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THE
SECOND PART
OF THE
CONFUTATION
OF THE

Ballancing Letter.

CONTAINING AN
Occasional Discourse

In Vindication of

Magna Charta.



*if 1st 5th in Vol. 3
of the Standing Army*

L O N D O N,

Printed for A. Baldwin in Warwick-Lane.
M. DCC.

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The P R E F A C E.

I Have seen several Objections published against the Former Part, wherein if that Author could have shewn me any one Fault, I would have thank'd him, and mended it; but I do not write Books for such, as after a long search to find a Knot in a Bullrush, make one. That I may not give him nor any body else any Offence by my false Inferences; cloudy Reasonings, Mistakes or Misapplications whatsoever, I shall barely set down two or three Quotations, which are able to speak, dispute, argue, and answer for Themselves: The first is to shew, that for a King of England to have standing Forces, or Men at Arms, is contrary to the English Constitution; or else Mr. Bacon, who has given us an excellent Book of it, collected out of Mr. Selden's Manuscript Notes, has strangely mistaken it. For his own words upon Henry the Seventh's instituting a Guard of 50 Archers, are these. That [Guard] of his Person, he only pretended as a Ceremony of State brought from the French Court; and yet it is strange that it went so well down with a free People. For that Prince that will keep Guards about his Person in the midst of his own People, may as well double them into the pitch of an Army whensoever he pleases to be fearful; and so turn the Royal Power of Law into Force of Arms. But it was the French Fashion, and the King's good hope to have all taken in the best sense. This is so well known, that the same Author himself of the Ballancing Letter, has these

Bacon of
the Laws
and Go-
vernment
of Eng-
land,
Part 2. p. 114.

The Preface.

words. Page 3. lin. 15. 'Any Man who would pretend
'to give a Jealousy of the Nation to the King, and suggest
'that he could not be safe among them without he were envi-
'ron'd with Guards and Troops, as it was in the late
'Reigns, ought to be abhorred by every true English man,
'by every Man who loves Liberty and his Country.

My other Quotations are about an incidental Point which
fell into my former Discourse, concerning the Admission of
Foreigners into England. This, according to the sense of all
Antiquity, is giving them our Country. The words in
K. John's Charter at Runningmead concerning them, are
these. Et nos amovebimus omnes alienigenas à terra,

M. P.
p. 261.

Parentes omnes Girardi de Athies, Engelardum scilicet,
Andream, Petrum, Gyonem de Chanceles, Gyonem de Cigvini,
uxorem prædicti Girardi, cum omnibus liberis suis,
Gaufridum de Martenm, & fratres ejus, Philippum Marc,
& fratres ejus, & G. nepotem ejus, Falconem, &
Flandrenses omnes & ruptarios, qui sunt ad nocumentum Regni.

Here K. John is to amove Aliens out of the Land, both all and some, as a Nuisance to the Realm. And to conclude, my last Quotation is

one of the Statutes made at Oxford 42 H. 3. founded upon
K. John's Charter, and in pursuance of it. Statuerunt etiam,
Quod omnes alienigenæ cujuscunq; conditionis
existerent, seu nationis, confestim repatriarent sub
pœna membrorum & vitæ. That all Aliens of whatso-

ever Condition they were, or Nation, should forthwith repair
home, under the penalty of Life and Limb. The Act is General;
but no body can say that it is an Act for a General Na-

Kingdom.
Ch. 44.
l. 50.

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IN order to this I shall first shew, That *Magna Charta* is much elder than King *John's* time, and consequently that its Birth cannot be blemished with any thing that was done in his time, tho his Confirmation of it had been really extorted by Rebellion. Secondly, That the Confirmations which were had and procured to it in King *John's* and *H. 3.* time, were far from being gained by Rebellion.

First of all, The Contents of *Magna Charta* is the undoubted Inheritance of *England*, being *their Antient and Approved Laws*; so antient, that they seem to be of the same standing with the Nation; and so well approved, that *Fortescue* De Laud. Leg. Ang. applauding our Laws, triumphs in this, That they passed thro all the British, Roman, Danish, Saxon, and Norman times with little or no alteration in the main. Now, says he, if they had not been liked by these People, they would have been altered. Accordingly in this last Norman Revolution King *William* the First (falsely and flatteringly called the Conqueror) swore to the inviolable Observation of them under this Title, of *the Good, Antient and Approved Laws of the Realm*, and particularly and by name *K. Edward's Laws*. So antient is the Matter and Substance of *Magna Charta*.

Secondly, Nor was the manner and form of granting these Laws by Charter, or under Hand and Seal, with the Confirmation

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tion of an Oath over and above the Coronation Oath, any new Invention or Innovation at all; for as *William 1.* began it, so I am sure that *H. 1.* and *K. Stephen*, and *H. 2.* did the same before: And therefore if the obscure Birth of *M. Charta* was in *K. John's* time, it was then born with a grey Beard, for it was in being in his Great Grandfather's Reign.

A. D.
1213.
Reg. 15.

For, thirdly, That very Charter of his Great Grandfather *H. 1.* was the Ground and Reason of the Parliament's insisting upon having the like Confirmation of their Liberties by *K. John*, and was the Copy by which they went. For tho *K. John* at his Absolution at *Winchester* from the Pope's Sentence and Excommunication, had solemnly sworn to restore the good Laws of his Predecessors, and particularly those of *K. Edward*; and tho presently after at a Parliament at *St. Albans*, the Laws of *K. H. 1.* were ordained to be observed throughout all *England*, and all bad Laws to be abolished: yet contrary to both these late Engagements, he was marching an Army in all haste to fall upon several of his Barons, who had lately failed in following him in an intended Expedition into *France*. But the Archbishop stopt him in this Career, by following him to *Northampton*, and there telling him, that it would be a breach of his Oath at his late Absolution, to make war upon his Subjects without Judgment in Parliament. The King hufft him, and told him, *That this was Lay business, and that he would not delay the Business of the Kingdom for him*, and by break of day next morning marches hastily towards *Nottingham*. The Archbishop still follows him, assuring him that he would excommunicate all his followers, if they proceeded any further in this hostile way; and never left him till he had set a day for a Parliament, that the Barons might there answer it.

This Parliament was held at *London* at *St. Paul's Church*, where before it ended the Archbishop took some of the Lords apart, and put them in mind how he made the King swear at *Winchester* to restore the good Laws of *K. Edward*, and cause them

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them to be observed by all the Realm. And now, says he, there is likewise found a certain Charter of *H. 1. King of England*, by which if you please you may be able to restore your long lost Liberties to their former state and condition; and producing the Charter, he caus'd it to be read all over in their hearing: Which the Lords having heard and understood, were overjoy'd, and swore in the presence of the Archbishop, *That when they saw it convenient for these Liberties, if need were they would spend their Lives.* The Archbishop for his part promised them his most faithful aid and assistance to the utmost of his power; and after this Association was thus entred into, the Parliament broke up.

There had past but 113 years since the Grant of *H. 1. Charter*; and though there were then made as many Charters as there were Shires, (directed to the Sheriff of every County to proclaim them, for this is directed to *Hugh de Bocland Sheriff of Herefordshire*) and by the King's express Order were to be laid up in the Abbys of the several Counties for a Monument; yet because the thing was beyond the memory of Man, and that Age not very conversant with Book-learning or Records, it seems not to be known to them; and the Archbishop says, *Inventa est quoque nunc Charta quedam H. 1.* But when the Lords had once seen it, they were so fond of it, that they got it away from the Archbishop, and the next year about *Michaelmas* when the King was returning out of *France*, the Earls and Barons met at *St. Edmondsbury*, it might be thought for Devotion, but it was to consult about their Liberties; and there the Charter of *H. 1.* which contained their Laws and Liberties, was again produced and treated of amongst them. After which they all went to the High Altar, and there swore in order, beginning at the Greatest, *That if the King should refuse to confirm by his Charter the said Laws and Liberties (being the Rights of the Kingdom) they would make War upon him till he did.* And likewise at last by common consent they came to this Resolution,

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That they would all go together to the King after Christmas, and desire him to confirm the said Liberties. And in the mean time that they would make such provision of Horses and Arms, that in case the King should start from his late Oath wherein he promised it (which they had too much reason to believe, because of his doubleness) they might then compel him to performance by seizing his Castles.

Accordingly after Christmas they came to the King in a gay military Habit, and desired the Confirmation of their antient Liberties, as they were contained in writing in the Charter H. 1. and the Laws of K. Edward. They affirmed likewise that by his Oath at Winchester he had promised those Laws and Liberties, and that he was already bound to keep them by his own Oath. The King seeing the Constancy and Resolution of the Barons in their Demand, did not think fit to deny them, but desired respite and time to consider of it, being a weighty business, till after Easter; and after several Proposals on both sides, the King very unwillingly set a day, and the Archbishop, Bishop of Ely, and Lord Marshal were his Sureties, that then they should all of them have satisfaction given them in reason. Upon this the Lords went home. But the King in the mean time by way of precaution, caused all the whole Realm to swear fealty to him alone against all Men, and to renew their Homages. And as a farther Security and Protection, more than out of Devotion, at Candlemas following he took upon him the Cross.

In Easter-week the forementioned Lords met at Stanford, who now had drawn together in favour of them almost all the Nobility and principal Gentry of England: So that they amounted to a numerous Army; and the sooner because K. John had rendered himself universally hated. In this Retinue were 2000 Knights, besides all others of lower rank, Horse and Foot diversly armed. The King was then at Oxford expecting the coming of the Parliament. On the Monday following these associated Barons came to Brackley; which

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which when the King understood, he sent to them the Arch-Bishop, the Lord Marshal, E. of *Pembroke*, and several other sage Persons, to know what were the Laws and Liberties they required; which they presently delivered in a Schedule to those that came from the King, affirming, that if he would not forthwith confirm them under his Seal, they would compel him, by seizing his Castles, Lands, and Possessions, till he gave them competent satisfaction in the Premises. Then the Arch-Bishop with the rest of his Company carrying this Schedule to the King, rehearsed all the Chapters or Heads of it before him *memoriter*. But when the King understood the Purport of it, he laugh'd, and said with the utmost Indignation and Scorn, *And why do not the Barons together with these unjust Demands, demand my Kingdom? The things they ask, said he, are idle and superstitious, and not supported by any tittle or pretence of Reason.* And at length in a great rage he affirm'd with an Oath, That he would never grant them such Liberties, whereby he himself should be made a Servant.

When therefore the Arch-Bishop and Earl of *Pembroke* could in no wise gain the King's Consent to these Liberties, by his command they returned to the Barons, and there reported just what the King had said in order. Whereupon the Barons presently chose them a General, and flew to their Arms, and marcht directly to *Northampton* to seize that Castle. But having spent 15 days in that fruitless Attempt, having no Petards nor other warlike Instruments to carry on a Siege, somewhat abashed with this Disappointment, they marcht to *Bedford*, where they were kindly received, and by Messengers sent to them from the principal Citizens, were invited to *London*. When they were come thither, they sent Letters to all the Earls, Barons, and Knights that as yet seemed to adhere to the King, tho it were but feignedly; That as they tender'd their Estates, they should leave a perjur'd King, and come and join them, and effectually engage with them for the Liberties and Peace of the Realm: otherwise they threat-

threatned to treat them as publick Enemies. Upon which most of the Lords who had not as yet sworn to the said Liberties, wholly leaving the King, came to *London*, and there associated with the Barons.

King *John* seeing himself thus generally forsaken, so that he had hardly seven Knights remaining with him, and fearing lest the Barons should insult his Camp, which they might easily have done without opposition, he betook himself to fraud and dissembling, pretending Peace, when he had immortal War in his Heart, resolving hereafter to oppress the Barons singly, whom he could not all at once. He therefore sends to them the E. of *Pembroke* and other Persons of Credit with this Message, *That for the Benefit of Peace, and for the Advancement and Honour of his Realm, he would willingly grant them the Laws and Liberties which they desired*, leaving to the Barons to appoint a convenient Time and Place for the Performance. They very gladly set the King a day, to meet the 15th of *June* at *Running-mead* betwixt *Stanes* and *Windsor*, an antient place for the meeting of Parliaments.

The King and the Lords accordingly met, and their Parties sitting asunder, and keeping to their own side, treated of the Peace and the Liberties a good while. There were present as it were of the King's Party, the Arch-bishop, and about 30 principal Persons more, whom *Matthew Paris* names; but, says he, they that were on the Barons side were past reckoning, seeing the whole Nobility of *England* gathered together in a Body seem'd not to fall under number. At length after they had treated in several sorts, the King seeing the Barons were too powerful for him, made no difficulty to grant them the Laws and Liberties under-written, and to confirm them in his Charter in this manner.

Here follows *Magna Charta* in *Mat. Paris*. And because there was not room for the Liberties and free Customs of the Forest in the same Parchment, they were contained in another Charter *de Foresta*. And then follows the security for them both. After

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After this the King sent his Letters Patents to all the Sheriffs in *England* to cause all persons of what condition soever, to swear, That they would observe these foresaid Laws and Liberties, and to the utmost of their power distress the King by seizing his Castles, and otherwise streighten him to the execution and performance of all things contained in the Charter. At last the Parliament being ended, the Barons returned to *London* with their Charters.

Thus have I given you a short view of the noble Conduct of the Barons in their manner of obtaining the Confirmation of their Charter from *K. John*. The restitution of *Magna Charta* you may call it, for the Birth of it you see it was not. What I have recited is undoubted History and Record, and clear matter of Fact. And I have confined my self only to these three last years, in which the Barons were in pursuit of this business, and took the quickest Steps towards it: and above all, were put into a right Method by the advice of *Stephen Langton* the Archbishop, to claim their Estate with the Writings of it in their hand. For above a dozen years before, in the 3d of this King's Reign, upon a Summons of his to the Earls and Barons to attend him with Horse and Arms into *Normandy*, they held a Conference together at *Leicester*, and by general consent they send him word, *That unless he would render them their Rights and Liberties, they would not attend him out of the Kingdom.* But that impotent demand of their Liberties by the by, did them no good, but exposed them to still more and more intolerable Oppressions. They should have gone to him according to their Summons, they should not have sent. Not to mention that his Faith was plighted by the Arch-bishop *Hubert*, *William* Lord Marshal E. of *Pembroke*, *Geoffrey Fitz-Peter* Chief Justiciar of *England* (whom he sent as his Commissioners to proclaim and keep the Peace immediately after the death of his Brother *Richard*) *That the Earl John would restore all men their Rights.* This was done at an Assembly of the

Dan.
P. 129.

Paris
P. 196.

P. 243.
Pactis con-
traire.

the Peers at Northampton, before his coming out of Normandy to be crowned. *Sub tali igitur conventione Comites & Barones Comiti Johanni Fidelitatem contra omnes homines juraverunt.* Upon these Terms, and no otherwise, the Earls and Barons swore Fealty to him: Which made K. John so much rejoice at Geoffrey Fitz-Peter's Death, and swear, *That then, and not before, he was King and Lord of England.* For from thenceforward, says Paris, he was more at liberty to contravene his Oaths and Covenants, which with this Geoffrey he had made sore against his will; and loose himself from the Bonds of the Peace he had enter'd into. Now these Pacts and Covenants are clearly that before his Coronation, which I have just now recited, and at this Parliament at St. Albans, Anno 1213. not a year before this great Man's Death. Where the King's Peace was publicly declared to all his People, and it was strictly commanded in the King's behalf, *That the Laws of his Great Grandfather H. I. should be kept by the whole Realm, and all unjust Laws abolished.* In both these Affairs he transacted for the King, having in this last, together with the Bp. of Winchester, the Government of the Kingdom committed to him, the King being then absent in his way to France.

Well, but now the Barons at last have their long lost Rights restored and confirmed, to the universal Joy of the Nation; which is soon overcast. For K. John immediately resolves to undo all that he had done, being prompted thereto not only by his own arbitrary tyrannical Disposition, but also by his foreign Mercenaries, whom he had long made his Favourites and Confidants, while he look'd upon his own natural Subjects as Abjects. The Flanders Rusters, or Cavaliers, who now, by Magna Charta were expressly and by name order'd to be expelled the Kingdom as a Nuisance to the Realm, these being grown his saucy Familiars, so followed him with Derision and Reproaches, *for unkinging himself by these Concessions, and making himself a Cypher, and our Sovereign Lord*

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Lord of no Dominions, a Slave to his Subjects, and the like, that they made him stark Bedlam: And being given over to Rage and Revenge, he privately retires to the *Isle of Wight*, where, as *Paris* says, he provides himself of *St. Peter's* two Swords. He sends to the Pope, whom he bribes with a large Sum of Money, besides his former Surrender of the Kingdom, to cancel and annul *M. Charta*, and to confound it with his Apostolical Authority; and withal to excommunicate the Barons for it: And at the same time he sends the Bp. of *Worcester*, Ld. Chancellor of *England*, the Bp. of *Norwich* and several other Persons, to all neighbouring Countries, to gather together all the Foreign Forces they could, by promises of Lands and Possessions, and if need were, to make them Grants under the Great Seal, and to bring them all to *Dover* by *Michaelmas*.

That 3 Months he spent *Incognito* in and about the *Isle of Wight*, coasting and skulking about, and sometimes exercising Piracy out at Sea; so that it was not then known where he was, nor what was become of him: but thus he whiled away the time, contemplating his Treason, and waiting for the incomprehensible Enemy-Friends he had sent for. I know not whether this Desertion, and not providing for the Government in his Absence, and sending the Great Seal of *England* upon such an Errand out of the Realm, may not with some men amount to a modern Abdication: But I am sure that this which follows is enough to justify the Expulsion of a whole Race of *Tarquins*. After *Michaelmas* he failed to *Dover* to meet his outlandish Scum, with which he Invades his own Kingdom. Such an execrable desperate Crew never set foot upon *English* Ground, so fitted for Mischiefs, and that thirsted after nothing more than human Blood, whom his Agents had drawn together out of *Poitou*, *Gascony*, *Lovain*, *Brabant*, *Flanders*, and weeded all the neighbouring

Hostiles &
micos &
amicabiles
hostes.
p. 265.

C

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Continent for them. These made up a vast Army, notwithstanding the Shipwreck of *Hugh de Boues*, who was bringing 40 thousand more, besides Women and Children, who all perished in a Storm betwixt *Calais* and *Dover*. This Freight of Women and Children, several of which were afterwards driven ashore in their Cradles, were intended to plant the two Counties of *Norfolk* and *Suffolk*, after the Extirpation of the *English*; for it is said that this *Hugh* had a Charter of Inheritance given him of these two Provinces.

But with these Forces he had, he overrun *England*, and wasted it with Fire and Sword in such a manner, as no *English* man can read the History of it without being in pain and torment. There is such a Scene in *M. Paris*, p. 276. as was never seen again, unless in the French and Irish Massacres: it looks like Hell broke loose. For these *Satellites Satana*, the Devil's Life-Guard, as *M. Paris* calls them, seemed to have prepered Malice against Mankind; and being led on à *crudele Rege, imò cruento Tyranno*, by a cruel King, nay it was a bloody Tyrant, no Furies could put innocent People, in cold Blood, of all Ages and Conditions, to more exquisite Tortures, nor sport themselves more in making Havock and Desolation than they did. And with this horrid Ravage he overrun *England*, and proceeded as far as *Berwick* in half a years time; all the Castles of the Barons falling to him, either surrendred, or for the most part abandon'd.

In the mean time most of the Barons are at *London*, where we left them, making holiday for the grant of *M. Charta*, and pleasing themselves, that after so long Oppression and Egyptian Bondage, the Liberties of *England* were restored again in their days. They thought likewise that God had touched the King's Heart, and he was become a new man, and meant the good Faith he had sworn; and flatter'd themselves that he would from henceforward inviolably observe their Charters. But they were interrupted in this thought by the privat intelligence they had, That he had given orders to his Foreign-

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Foreigners in whom his Soul trusted, to fortify and furnish his Castles with Men and Provisions, and to store them with all manner of Artillery ; but to do it so warily, that it might not come to the knowledge of the Barons. This boded no good ; for here was *M. Charta* concerning the expulsion of Foreigners broken already : and therefore some of the Barons went to the King at *Windsor*, to know more of this matter, and to try by gentle and wholesom Advice to bring him to a better mind. He received them with a blithe Countenance, and thereby palliated the inward Venom ; and swearing by God's Feet, he assured them, that he had no ill purpose, and banter'd and laugh'd them out of their story. Nevertheless before they left him they gathered such marks of his aversion to them, and that all was not well, that they went back to *London* lamenting, and saying, *We to us and to all England, which wants a King that will speak truth, and is oppressed by a false underhand Tyrant, that uses his utmost endeavours to subvert a miserable Kingdom.*

The very night after this Conference with the Barons, it was, that he stole away from *Windsor* to the *Isle of Wight*, and there laid his hellish Plot against the Nation : which was so deep, that it did not enter into the hearts of the Barons to suspect or imagine. They had now recovered the Rights of the Nation, which was nothing but their own, and had bin most unjustly detained from them, and they never intended nor sought for more. But because the King went away in a bad mind, and because they had certain notice that nothing but their departure from *London* was wanted in order to surprize it ; they therefore adjourned their Torneament which they had formerly appointed on the Monday after the Feast of *St. Peter* and *St. Paul* at *Stanford*, to be held the Monday sevensnight after at *Hourflow* near *London*, both for the safety of the City, and their own. This they certify in their Letter to *William Albines*, who was gon down to his Castle of *Beavoir*, and withal desire him

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by all means to make one at it, and to come up well provided with Horses and Arms, that he might win Honour. For he that performed best was to have a Bear, which a certain Lady would send to the Torneament. With such frivolous and idle actions, says *M. Paris*, did they entertain themselves, little knowing what cunning snares were laid for them.

Still they remain at *London*, and for want of better Employment spend their time yet more vainly, in eating and drinking, and sitting up anights at the expensive dye, which however does not look like plotting; for if they had been so minded, it had bin easy for them in the King's absence, to have taken very great advantages against him. But they meaning no hurt, had reason to expect none, and therefore the Invasion after *Michaelmas* fell suddenly upon them like a Tempest, or *Hugh de Boves's* Storm. And being wholly unprovided to resist such an Inundation as this, they thought the best way to put some stop to it, would be by presently throwing in a good Garison into the Castle of *Rockester*, that the King might not come immediately to besiege *London*. Accordingly they make choice of *William de Albinet* who was just come from his own Castle, and a noble Band of sevenscore Knights with their Retinue for this Service. When they came thither, they found nothing but bare Walls, neither Provision, nor Arms, nor any thing but what they had brought along with them; insomuch that many of the Noblemen repented their coming down, and would have returned: but *William de Albinet* overperswaded them to stay, and told them it would be dishonourable to desert what they had undertaken. They therefore get together what provision they could out of the Town in that short space, for within three days the King and his Army were with them, and had block'd them up. There they behaved themselves like great men; but the Siege lasting long, they were so straitned for Provisions, that they were forced at last to eat their Horses. Being thus in distress, the Barons at *London*, though with the latest, remembered their Oath,

to relieve them in case they were besieged, and marched out with a pompous Army as far as *Dartford*; but there the gentle Southwind met them, and blew in their faces, and tho it uses not to be troublefom to any body else, yet it drove them back, as if it had been drawn Swords, to their known Den at *London*. This scoffing Reason is all that *M. Paris* will give for their shameful Retreat, and deserting their Companions; but no doubt it was some panick Fright from the Reports of the Country, concerning the Numbers and Conditions of the King's Army: for he himself elsewhere tells us, That they were such as struck a Terror into every body that beheld them. This piece of Cowardice makes the King insult, and push on the Siege with the greater fury, which only lost him the more men: for they defended themselves to a miracle, and lost but one Knight during the whole Siege. But at last their Provision failing them, when they had not one Morfel left, on *St. Andrew's* day they all went out and surrendered themselves to mercy. The King immediately ordered them, Barons and all to be hang'd up. But in this *Savaricus de Maloleone* who was himself a Nobleman, withstood him to the face, and told him that as yet it was but a young War, and no body knew what the Chances of it might be: It might be his hap, or any Nobleman's else, to fall into the hands of the Barons, who would be taught by this example of his how to use them; and that no body would serve him upon those Terms. With much ado the King yielded to his Advice, tho it was likewise the opinion of all the wisest about him: and so he sent *William Albinet* and many others to be kept close Prisoners in *Corf* Castle, others to *Nottingham* and other Prisons, but gratify'd his Cruelty in hanging up their Servants.

One day during this Siege the King and *Savaric* were viewing the Castle to discover where it was weakest. The best Marksman that *William Albinet* had, knew him and said, *My Lord, may it please you, shall I now kill the King our bloody Enemy?*

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Enemy with this Dart, which I have here ready? No, no, says he, you wicked Q'utton; God forbid that we should procure the Death of the Lord's Anointed: Says the other, If it were your case he would not spare you; says William, God's Will be done, God shall dispose of that, not he. Herein, says M. Paris, he was like David sparing Saul, when he could have killed him. This Passage was not unknown to the King, and yet for all that he would not spare him, when he was his Captive, but would have hang'd him, if he had been suffer'd to do it.

After the Siege of *Rockester Castle*, where the Flower of the Barons was lost, King *John* notwithstanding did not think fit to attempt *London* (where tho the Barons did not judg themselves able to take the field, yet were desperately resolved to live and die together) but he march'd to *St. Albans*, and the 20th of *December* divided his Army into two; one of which he himself led to lay waste with Fire and Sword Northwards, the other he left to do as much for all the neighbouring Counties about *London*, and to be sure to keep that place blockt up. He with his Army lay the first night at *Dunstable*, but after a little rest, he was so intent upon his business, that before day he march'd towards *Northampton*, and carried such a *Christmas* into those parts as they had never seen. For besides his plundering and destroying all the Houses, Parks, and Possessions of the Barons, his manner was still as he went along to order his Incendiaries to fire the Hedges and Villages, which could not be turn'd into Plunder, *That he might refresh his fight with the Damages of his Enemies.* *M. Paris* recalls that word, if, says he, they are to be called his Enemies, who were only willing to introduce him into the way of Justice and Humanity. They were indeed his best friends in it, but they paid very dear for that good Office.

For before this the spiritual Sword likewise came brandishing out against them, and they were run through and through with the Pope's Excommunications. He first issued out a general Excommunication against them, which they did not mind,

nor

nor think themselves concerned as being not named in it, nor indeed described. For they were none of the *disturbers of the Peace* that were there mentioned, who turned the Kingdom upside down, and were worse than the Saracens, for endeavouring to expel their Cross-bearing King from his Realm (which they had never attempted nor intended) who as he had engaged himself, so it was to be hoped he would accordingly go and succour the Holy Land. And therefore the Pope was forced to curse them over again by Name; and reciting some of the principal of them, he involved all their *Partakers and Adherents* in the same Condemnation; and to make sure work, he laid the City of *London* under an Interdict. As for their poor Charter, that was very short-liv'd; for it bears date the 15th of *June*, and was made void and disannul'd by the Pope the *Bartholomew-day* following. The Barons indeed despised all these swagging Proceedings of the Pope against them, as knowing that the causeless Curse will never come, and alledging, that it was all upon false suggestions, and that he usurped an Authority in Matters which did not lye before him. For who made him a *Judge or Divider of Inheritances*? A Power which *St. Peter* never had, and which his humble Master declined when it was offered him. But tho this Pontifical Ware was regarded at *London* as it deserved, where the Prelates likewise did not think fit to publish it, yet in that superstitious Age it could not fail to influence weak Minds, when all the Subjects of *England* were enjoined to be aiding to *K. John* against the Barons for the *Remission of their Sins*. For who that had a Soul to save, would not kill a Baron if he could? It was *K. John's* holy War. And it must needs strangely heighten and animate his insolent Crew, to see themselves thus backt with Divine Authority, and would make them play the Devil a God's name. Thus the Sword helpt the Sword, and the spiritual one whetted and set an Edg upon the material.

It was the misery of the Barons to have their Country over-

run

run in this manner, and not be in a condition to help it. As for their own losses, they did not mind them. When Messengers came thick with bad Tidings, that their Castles and Possessions were gon and destroyed, they only look'd upon one another, and said, *The Lord gave, and the Lord hath taken away.* When they heard how their Wives and Daughters were abused, they vented themselves by inveighing bitterly against the *Pope and his most dearly beloved Son in Christ, John.* But when they thought of *England, England,* then they lamented indeed, and laid the ruin of it deeply to heart. And resolving to have done with such a barbarous Tyrant, and to choose a new King, after some debate they unanimously agreed upon *Lewis* the Dauphin of *France.* Their main Reason was, because the most of *K. John's* Army being Subjects of *France,* upon the first appearance of *Lewis,* they would be apt to join him and leave *K. John,* whereby of necessity he would be soon brought to reason, and in all probability it would be a very short War. *Lewis* readily accepted their Offer, and came over upon the security of 24 of the principal Barons Sons for Hostages; and being joyfully received at *London* by the Barons, had Homage and Fealty sworn to him, and he himself swore *to restore them their good Laws and their lost Inheritances.* After which he writ to the King of *Scotland* to come and do him homage, and to all the great Men of *England* to come and do the like, or else immediately depart the Kingdom. Upon which the Earls of *Warren, Arundel, Salisbury* King *John's* Brother, and the Earl Marshal's Son, with many others, readily obeyed this Summons, and left King *John,* as did his Foreigners, all but the Poitovins; some of them returning home with their Spoils, and the rest coming over to the Dauphin.

From the first arrival of *Lewis,* *K. John* never stood his ground; and though he came with his great Army to *Dover* to hinder his landing, yet he durst not trust that Army to engage, but leaving a strong Garison in *Dover* Castle, he
took

took a run to *Guilford*, and from thence to *Winchester* without stopping: whereby he both gave *Lewis* a free Passage to *London* to join the Barons, and also lost most of his new Conquests, in less time than he gained them. But the King of *France* undervalued all his Son's Successes, swearing that he had not gotten one foot of ground in *England*, till he was possessed of *Dover* Castle, which made him undertake a vigorous, tho fruitless Siege of that place: where in a short time the King of *Scotland* came and did him Homage. But while the Dauphin was engaged in that Siege, there happened an Accident which altered the whole Scene of Affairs. The Viscount of *Melun*, a Nobleman of *France*, who came over with *Lewis*, fell very sick at *London*. And finding himself at the point of death, he sent for some of the Barons of *England*, who were left to take care of the City, to come to speak with him; to whom he said. "I am grieved for
" you, at the thoughts of your desolation and destruction,
" because you are wholly ignorant of the Perils that hang
" over your heads: for *Lewis* has taken an Oath, and sixteen
" Earls and Barons of *France* with him, That if ever
" he get *England* and be crowned King, he will condemn
" all the Barons that are now in Arms with him against
" *K. John*, to perpetual Banishment, as Traytors against
" their Sovereign Lord, and will extirpate the whole Race
" of them out of the Land. And lest you should doubt of
" the Truth of this, I that lie here ready to die, do affirm to
" you upon the peril of my Soul, that I my self was one of
" those that were engaged with *Lewis* in this Oath. Where-
" fore I now counsel you by all means to look carefully to
" your selves hereafter, and to make the best use of what I
" have told you, and to keep it under the Seal of Secrecy.
When this Nobleman had thus said, forthwith he expired. When this dying Secret came to be spread amongst the rest of the Barons, they were sadly cast down, finding themselves surrounded with Difficulties, and perplexed on every

side. For, as a concurrent proof of what Viscount Melun had said, *Lewis* instead of restoring them to their Rights according to his Oath, had given all the Lands and Castles of the Barons, as fast as he won them, to his own Frenchmen: and though the Barons grumbl'd at this, yet they could not prevent it. But what they laid most to heart was, that he had branded them as *Traitors*. They were excommunicated every day, and despoiled of all terrene Honour, and driven to all extremities of Body and Soul. In this miserable perplexity many of them thought of returning and reconciling themselves to *K. John*, but that the Breach was too wide. They were plainly at their wits end, and were willing to do any thing to be rid of this perjur'd and perfidious Foreigner, who had thus ungratefully entered into a desperate Conspiracy against them.

During this tedious Siege of *Dover Castle*, where *Lewis* and many of his Barons were sure to be detain'd, *K. John* who had been dodging up and down, took this opportunity of making a terrible Inroad into the Counties of *Norfolk* and *Suffolk*, where he made his usual Progress Northward: as if he had taken up a Resolution to live and die in his Calling. For one of the last things he did before he sickned, was burning to ashes all the stacks of Corn as he went along in all the Mannors of the Abbot of *Groyland*, which were but just inned that Harvest. He was first indisposed at *Swinsted Abbey*, but his illness encreasing, he could hardly reach *Newark Castle*, and there by the advice of the Abbot *Croystoun*, he confessed and received the Sacrament. After which he appointed his eldest Son *Henry* his Heir, and ordered the Realm to swear to him, and sent his Letters under his Seal to all the Sheriffs and Castellans of the Kingdom to be attendant on him. Just when he was dying there arrived Messengers from some of the Barons, about forty of them, with Letters to be reconciled to him; but he was not in a condition to mind such Affairs.

In ten days time after *K. John's* death, that Party which had adhered to him, with *Guallo* the Pope's Legate, made haste to crown his Son at *Glocester*. And because he was not yet ten years old, and so noways concerned in the hated Cruelties of his Father, and might be used as an expedient to drive out an already hated and insolent Foreigner, he was presently accepted by the Kingdom, while on the other hand, upon the first knowledg of *K. John's* death, *Lewis* had in his own Conceit wholly subdued and swallowed up the Kingdom; but he found the contrary in summoning *Dover* Castle upon this occasion, thinking to have had the Castle for his News, for he met with such a resolute Denial as he took for an Answer, and broke up the Siege. Afterwards he took some few places, but the young King's Party still encreasing, and many of the Barons by degrees falling from him, and the Forces he had sent for out of *France* being utterly defeated at Sea, and all sunk or taken, and he and the Barons that were with him being closely besieged in the City of *London*, he was forced to come to this Composition: "That *Lewis* and all his Foreigners should depart the Kingdom, and that he should never lay claim to it hereafter, but restore what belonged to the King in *France*, and to have fifteen thousand Marks for his Voyage. And on the other hand, the King, the Legate, and the Great Marshal being Protector, swore: "That they would restore to the Barons, and all others of the Realm, all their Rights and Inheritances, with all those Liberties which they had before demanded, for which the War had begun betwixt *K. John* and the Barons. This Composition was made by both Parties in an Island in the *Thames*, near the Town of *Stains*, Septemb. 11. *A. D.* 1217.

So that within two years and three months time *M. Charta* was granted, and destroyed, and damnd by the Pope; and revived and renewed again by fresh Oaths, and even of the Pope's Legate.

I shall very briefly shew what fate it had in. *H. 3.* time,

for I do not remember any fighting about the Confirmation of it in any succeeding Reign; wherein I shall only recite the matter of Fact, reserving the matter of Right till anon.

In the fifth year of his Reign he was crowned again at *Westminster*; and three years after, which was the eighteenth of his age, at a Parliament at *London*, he was desired by the Archbishop and the other Lords to confirm the Liberties and free Customs, for which the War was first moved against his Father. And as the Archbishop evidently shew'd, the King could not decline the doing of it; because upon the departure of *Lewis* out of *England*, he himself had sworn, and all the Nobility of the Realm with him, that they would observe all the said Liberties, and have all others observe them. Upon which *William Brewer*, who was one of the P. Council, made answer in behalf of the King, saying, *The Liberties you desire ought not in justice to be observed, because they were extorted by violence.* Which Speech the Archbishop taking very ill, rebuked him, saying: *William*, quoth he, *if you loved the King, you would not be a hindrance to the Peace of the Kingdom.* But the King seeing the Archbishop going to be very angry, said, *We have all of us sworn to these Liberties, and we are all bound to observe what we have sworn.* And forthwith taking advice upon it, sent his Letters to the Sheriffs of every County, to cause twelve Knights or Legal Men to make an Inquisition upon Oath what were the Liberties of *England* in the time of *K. Henry* his Grandfather, and to make him a return of it by a certain day.

This vowing and afterwards making inquiry was ill resent-ed, and was one of the false Shifts which were so peculiar to that Prince. The motion of the Archbishop was so manifestly necessary for the settling the young King in his Throne, that our Historian *Daniel* says, it was *impiously oppugned by William Brewer*: and indeed the reflections he makes on the whole passage are very remarkable from the Pen of a Courtier. I only observe that *William Brewer* was the fittest Interpreter of

an Arbitrary Prince's mind; for he was an old arbitrary Instrument, and one of K. *John's* Generals in his barbarous Invasion: and tho he himself had since sworn to *M. Charta*, that made no matter; for such false Changes and Conversions always turn Cat again, as soon as they find Game and spy a Mouse.

The next year the King being declared by the Pope's Bull of full age, and *Lewis* being now King of *France*, and keeping possession of all the King's Dominions beyond the Seas, at a Parliament at *Westminster* he desired a Fifteenth for the recovery of them. And tho many of the Earls and Barons had thereby lost their Inheritances as well as the King, yet the whole Assembly agreed in this Answer; *That they would freely grant the King what he desired, but upon condition, if he would grant them their long desired Liberties.* The King out of covetousness of this Aid, has Charters presently written and sealed, and sent to all the Counties, and an Oath in writing for all Men to swear to them; while *Richard* the King's Brother, because they had hitherto been ill kept, cried out they were cozening Charters.

Matt. Paris says, he therefore forbears to recite the Tenor of these Charters, because he had done it before in K. *John's* Reign, for the Charters of both Kings were alike. *In nullo inveniuntur dissimiles.*

Two years the Land rested, injoying their Liberties which were punctually kept, till the King at a Parliament at *Oxford* declared himself to be of full age, and took that occasion to have a new Seal, and to cancel the Charter of the Forests, as granted in his Minority, and to cause all that would enjoy the benefit of that Charter, to take out particular Charters under his new Seal: for which they paid exorbitant Fines, such as his Chief Justiciar pleased.

Upon this, and a great Oppression of his Brother *Richard* soon after, the Earls and Barons were up in Arms, and had drawn together a great Body of Men at *Stanford*; from whence they send him a Message *in very big words*, That he forthwith make amends to his Brother for the Injury done

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him.

A Vindication of

him, the fault of which they lay upon the Justiciar; and that he should immediately restore the Charters of the Forest which he had cancel'd at Oxford, and send them to them sealed, grievously denouncing, *That otherwise they would compel him with their Swords.* Whereupon he called a Parliament to Northampton, and gave them full satisfaction to their Demands.

Six years after the Barons had an outrageous Violation of *M. Charta* to complain of, and an intolerable Grievance to the Nation: For the King had not only filled the Offices of his Court with Poitovins, to the great Oppression of his natural Subjects, but also had invited in two thousand Poitovins and Brittons, with which he garisoned his Castles. Upon this Earl Richard the Marshal of the Kingdom, taking several of the Lords along with him, went boldly to the King and openly reproved him, that because by evil Counsel he had called in Poitovin Foreigners to the Oppression of his Realm, and natural born Subjects of the Realm, of their Laws likewise and Liberties; wherefore he humbly besought the King that he would speedily reform such Abuses as these, which were the imminent destruction of his Crown and Realm. Moreover he affirmed, that if the King refused to amend this Proceeding, both he and the rest of the Noblemen of the Kingdom would so long continue to withdraw themselves from his Councils, as he consorted with Foreigners. To this Peter Bishop of Winchester, who was prime Minister, made answer, That it was very lawful for our Lord the King to call in what Foreigners he pleased for the defence of his Kingdom and Crown, and even such and so many as might be able to compel his proud and rebellious Subjects to their Duty. The Earl Marshal and the Lords went away very much dissatisfied with this Answer, and promised to one another that in this Cause which concerned the whole Nation they would manfully fight it out to the separation of their Souls from their Bodies.

In the mean while the Bishop of *Winchester* and his Accomplishes had so far perverted the King's heart to hate and despise the English Nation, that he studied the extirpation of them all manner of ways, and by a few at a time invited over so many Legions of Poitovins, that they almost filled all *England*; with Troops of which, wherever the King went, he still was walled in and invironed. Nor was any thing done in the Kingdom but as the Bishop of *Winchester* and this Rout of Poitovins ordered it. The King then calls a Parliament to meet on *Midsummer* day at *Oxford*, but the aforefaid associated Lords would not come at his Summons, partly for fear of the lying in wait of these Foreigners, and partly out of the Indignation which they conceived against the King for calling in Aliens in contempt of them: Upon this it was judicially decreed that they should be summoned twice and thrice, to try whether they would come or no. Here at this Assembly at *Oxford*, *Roger Bacon*, while he was preaching the Word of God before the King and the Bishops, told him roundly, That he would never enjoy any settled peace, unless he removed the Bishop of *Winchester* and *Peter Rivallin* from his Councils. And when others who were present protested the same thing, the King began a little to recollect himself and encline to Reason, and signified to the associated Barons that they should come to a Parliament *July 11.* at *Westminster*, and there by their advice he would rectify what was fit to be amended. But when the Barons had heard that many Freebooters were called in by the King with Horses and Arms, and that they had arrived by degrees, and but a few at a time, and could see no footsteps of Peace, but likewise suspected the innate Treachery of the Poitovins, they let alone going to the Parliament; but they sent him word by solemn Messengers, That setting aside all delay, he should remove the Bishop of *Winchester* and all the Poitovins from his Court: But in case he would not, they all by the Common Council of the Kingdom, would

expel him and his evil Counsellors out of the Realm, and proceed to the Creation of a new King.

The King was struck with this Message, and the Court were very much concerned at it, fearing lest the Error of the Son should be worse than his Father's, who was very near being driven out of his Kingdom, and making good the name which was given him by a kind of Presage of *John* the Exile. But Bishop *Peter* gave the King advice to make war upon these rebellious Subjects, and to bestow their Castles and Lands upon the Poitovins, who might defend the Realm of *England* from his Traitors; bragging that he both could and would give deep and not scoundrel Counsel: for time was when he had governed the Emperor's Council in the East, and that his Wisdom was formidable both to the Saracens and to other Nations. So the King returning again to the wrong, first wreakt his Anger upon *Gilbert Basset*, whom, having seized a Mannor of his, and he coming to claim his right, he called Traitor, and threatned if he did not get out of his Court to have him hang'd. And he likewise commanded *Richard Seward* a warlike Knight, that had married this *Gilbert's* Sister or Neice without his Licence, as he said, to be taken up. And indeed being jealous of all the other noble and powerful Men of the Kingdom, he required Hostages of them, such and so many as might satisfy him that they would not rebel.

To the Parliament at *Westminster Aug. 1.* the Earls and Barons came armed, and the Earl Marshal was on his way coming to it; but going to lodg at his Sister's House who was Wife to *Richard* the King's Brother, she advertised him of his danger, and that he would be seized. He being a Man of a noble Breast, could not readily believe Woman's talk till she made it out; and then night coming on he rid another way, and never drew bit till he came well wearied into *Wales*. There were many Earls and Barons at this Parliament, but there was nothing done in it because of the absence of the Earl Marshal, *Gilbert Basset*, and some other Lords.

After

After this the King by the advice of the Bishop of *Winchester* gave summons to all that held of him by Knights service to be ready with their Horses and Arms at *Glocester* a week before Assumption day. And when the Earl Marshal and many others that were associated with him would not come at that appointed time, the King as if they had been Traitors caused their Houses to be set on fire, their Parks and Ponds to be destroyed, and their Castles to be besieged. These that were said to be associated were very noble Persons, and there were many others no mean Men that adhered to them: All these did King *Henry* cause to be proclaimed Outlaws and banished Men without the Judgment of his Court and of their Peers, and gave their Lands to the Poitovins, thereby adding sorrow to sorrow, and redoubling their Wounds. He gave commandment likewise that their Bodies should be seized wherever they could be found within the Realm.

In the mean time Bishop *Peter* does what he can to weaken the Marshal's Party, and corrupted the Earls of *Chester* and *Lincoln* with a thousand Marks (cheap Lords) to leave the Marshal and the cause of Justice, and to be reconciled to the King and be of his side. For as for *Richard* the King's Brother, he was gone off from the Marshal some time before. When the Marshal had heard all this, he entred into a Confederacy with *Lewellin* Prince of *Wales*, and other Peers of that Country, who swore none of them would make Peace without the other. Within a weeks time after the appointed Rendezvouz at *Glocester* there arrived at *Dover* many armed men from the parts beyond the Sea, and *Baldwin de Gysnes* with a Force out of *Flanders*, who came to the King at *Glocester*. This Force, with what he had before, made a numerous Army, with which he advanced to *Hereford*.

After this the King by the advice of Bishop *Peter* sends a Defiance to the Marshal by the Bishop of *St. David's*, and thereupon marches to make war upon him, and lays siege to

one of his Castles. But when he had furiously assaulted it many days in vain, and his Army wanted Provisions, so that there was a necessity of raising the Siege, the King grew ashamed of his Enterprize: Whereupon he sent several Bishops to the Earl Marshal to desire him to save the King's Honour, and, that he might not be thought to have made a Siege to no purpose, to surrender him the Castle upon these Conditions: First, That he would after fifteen days restore to the Earl Marshal the Castle again intire, and in the same state it was: And, Secondly, That in the mean time he would reform and amend all things that were amiss in the Kingdom, by the advice of the Bishops, who were his Sureties for the performance of these things. And to perfect and compleat all this, the King appointed the Marshal and the banished Lords to come to a Parliament which he meant to hold at *Westminster* the first Week after *Michaelmas*.

When the fifteen days were out, from the time of the Marshals surrender of his Castle into the King's hands, upon condition that after that Term he should have it restored to him again, the Marshal sent to the King to desire him to deliver him back his Castle according to the Covenant, of which he had made the Bishop of *Winchester* and *Stephen Segrave* the Justiciar his Sureties, which likewise they had confirmed by taking an Oath. But the King answered with Indignation, That he was so far from restoring him that Castle, that he would sooner subdue all the rest he had. When therefore the Marshal saw that there was no Faith, nor Oath nor Peace kept by the Counsellors of the King, he gathered an Army and besieged his own Castle, and with a little ado won it. The King was at this time holding his Parliament as he had promised his great Men, that by their advice he might redress those things which were amiss; but the evil Counsel he then followed did not suffer it to be done. Though many that were there present humbly besought him for God's sake, that he would make peace with his Barons and Nobles. And other Persons in
favour

favour with the King, namely, the Friars Predicants and Minorites, whom he used to reverence and hearken to, these earnestly exhorted him that he would study to carry himself lovingly as he ought to do towards his natural Subjects, whom without judgment of their Peers he had driven into banishment, burnt their Mannor-Houses, cut down their Woods, destroyed their Ponds; and being led and misled by the bad Counsel of bad Men, sets aside his Leiges whose native blood would never suffer them to warp, and prefers other whiffling People before them; and which is worse, calls those Traitors by whom he ought to order the Peace and Counsels of the Realm, and settle all Affairs. To this the Bishop of *Winchester* made answer, That the Peers of *England* are not as they are in *France*, and therefore the King may judge and condemn and banish any of them by his own Justices of his own appointing. The Bishops hearing this, as it were with one voice, fell a threatening that they would excommunicate the principal of the King's evil Counsellors by name; and they named the Bishop himself as the Ring-leader of them, and his Kinsman *Rivallin*, the Justiciar, and the Treasurer. To whom the Bishop answering, alledged, That he was consecrated Bishop at *Rome* by the Pope, and so was exempted from their Power, and appealed to the Apostolick See. And so the Bishops only excommunicate in general all those that had or should alienate the King's heart from his natural Subjects of the Realm, and all that should disturb the Peace of the Realm.

In this Parliament the King had Tidings that the Earl Marshal had taken his Castle in *Wales*, and killed several of his Knights and Servants. At which the King was much incensed, and commanded the Bishops to excommunicate him; but it was the answer of them all, that it would be an unworthy thing to excommunicate a Man for seizing a Castle that was all his own, and for taking possession of his own Right. But the King still enraged, summoned again all his Knights;

with Horses and Arms to *Glocester*, the morrow after *All Saints* : and there he gathered a numerous Army and entred *Wales*, breathing and panting after the destruction of the Marshal. But he like a provident Warriour had beforehand driven away all the Cattle, and withdrawn all Provisions, so that the King had no subsistence for his Army in those parts, but was forced to march another way, and came to the Castle of *Grosmund*. Where while he spent some days, the Marshal and his Associates sent Scouts to discover the Posture of his Army, and on *Martinmas* night all of them but the Marshal who would not invade the King, with a good Army surprized the King's Camp, where they fled away almost naked : and the Conquerors on the other side would not hurt any of them nor take one Prisoner, excepting two Knights who indiscreetly making Resistance were killed, rather by themselves than by the others. But they took away all their Carriages and Provisions, Money and Arms, and so retired again into their strong holds.

Indiscreet
rebellan-
ces.

I believe such a modest Victory was never read of, and *Mat. Paris* presently calls them for Witnesses of the Truth of this Rout, who run away and lost all they had in it : The Bishops of *Winchester* and *Chichester*, *Segrave* the Justiciar, *Rivallis* the Treasurer, the Earls of *Norfolk* and *Salisbury*, and many more. The King who had been left even as good as alone amidst the Enemies, when all was over, put some of his Poitovin Dragoons into his Welch Garisons to prevent IncurSIONs, and so returned to *Glocester*, where he kept his *Christmas*. But in the mean time on *St. Katherines* day, the Marshal made a great Slaughter of the Poitovins at *Monmouth* ; and he and the banished Lords watched the King's Castles so narrowly, that when any went out of them abroad to prey, they took nothing else of them for their Ransom but their Heads, insomuch that in a short time there lay dead such a multitude of these Foreigners in the high ways and
P other places as infected the Air.

As for the Discourse which 'passed betwixt the Marshal and Friar *Agnellus*, who was Familiar to the King and his Counsellors, and came into *Wales* to tell the Marshal what the King and his Counsellors said of him, and to make Overtures to him, it is too long to be here inserted, but is exceeding well worth the reading as it stands in *Matt. Paris*, p. 391, 392, 393. wherein the Marshal makes such a solid Defence of his whole proceeding, and discovers so well grounded a Zeal for the Rights of his Country, as is sufficient to inspire every English Breast with the love of a righteous Cause. Friar *Agnellus* tells him that the King's Counsellors would have him submit to the King's mercy, and that besides other Reasons it was his Interest so to do; because the King was richer and more powerful than he, and as for foreign Aid, where the Marshal could bring one Stranger the King could bring seven. The Marshal replies, It is true the King is richer and more powerful than I, but he is not more powerful than God, who is Justice it self, in whom I trust in the maintenance and prosecution of mine and the Kingdom's Right; nor do I trust in Foreigners, nor will ever seek their Aid, unless, which God forbid, I shall be compelled to it by some unexpected and immutable necessity. And I know full well that the King can bring seven for my one; and truly I believe in the way that he is in he will soon bring more into the Realm, than he will be able to get out again. And after he had answered many other Arguments, as that he might confide in the King and his Counsellors, and had reckoned up many Instances of the Court's Treachery and breach of their Oaths about *M. Charta*, and in several other Cases, he says, *Neither would it be for the King's Honour, that I should consent to his will, which were not supported by Reason; nay therein I should do injury both to himself and to that Justice which he ought to maintain and exercise towards his Subjects: And I should give a bad Example to all Men of deserting Justice.*

A Vindication of

Justice and the prosecution of Right, for the sake of an erroneous Will, against all Justice, and to the injury of the Subject; for thereby it would appear that we had more love for our worldly Possessions, than for Righteousness itself. But I wrong the Discourse by singling any particulars out of it.

The King kept his Christmas at Gloucester with a very thin Court, the late Rout at Grosmond Castle having scattered them. And the morrow after, John of Monmouth a Nobleman, one of the King's Warriors in Wales, attempting to surprize the Marshal, was entirely defeated with the loss of a great number of Poitovins and others, himself narrowly escaping; which his Estate did not, for the Marshal immediately burnt and destroyed it. The same did the other exiled Lords by all the King's Counsellors in those parts; for they had laid down amongst themselves this laudable general Rule, *That they would hurt no body, nor do them any damage, but only the evil Counsellors of the King, by whom they had been driven into Banishment, and used in the same kind.* And a week after Twelfthide the Marshal and Leoline entered the King's Lands, and laid them waste as far as Shrewsbury, the King and Bishop Peter being still at Gloucester; but not having strength to oppose them they retired to Winchester. But the King's Heart was so hardened against the Marshal by the evil Council that he made use of, that when the Bishops admonished him to make peace with the Marshal *who fought for the Cause of Justice*, he made answer, *That he never would make peace with him unless he would acknowledg himself a Traitor with a Halter about his neck.*

When the Bishop of Winchester and the other evil Counsellors of the King saw all their measures broken, and the Poitovins thus cut off by the Marshal, despairing ever to overcome him by force of Arms, they fell to plotting and laying a train for his life, which was by a Letter sent into Ireland to this effect: "Whereas Richard late Marshal of the King of England, for his manifest Treason, was by Judgment of
" the

“ the said King’s Court banished the Realm, and for ever
 “ outed of all the Patrimony and Possessions he had, and
 “ yet remains in rebellion : These are therefore to require
 “ you, that if he should chance to come into *Ireland*, you
 “ take care to seize him and bring him to the King dead or
 “ alive ; and for your care herein the King grants all the In-
 “ heritance of all the late Marshal’s Lands and Possessions in
 “ *Ireland*, which are now fallen to his disposal, to be shared
 “ amongst you. And for this Promise of the King to be
 “ made good to you, We all, by whose Counsel the King and
 “ Kingdom are governed, do make our selves Sureties,
 “ provided you fail not in the Premises. This Writing was
 directed to *Maurice Fitz Gerald* the King’s Justiciar in *Ireland*,
 and several other great Men, and some that were Leigemen to
 the Marshal, but faithless : And after this Writing of unheard
 of Treason was framed, though the King knew nothing of
 the Contents of it, yet they compelled him to put his Seal,
 and they to the number of eleven put to their Seals, and so
 sent it over.

This wrought with the Irish great Men according to the
 wish of the evil Counsellors, for out of covetousness they
 immediately entred into the Conspiracy, and privately sent
 word back, *That if the King’s Promise were confirmed to them*
under the Great Seal, they would do their utmost to effect the
business. Whereupon the said Counsellors with a treasona-
 ble Violence, surreptitiously get the Great Seal from the Bishop
 of *Chichester*, who did not consent to this fraud, and so
 sent a Charter, wherein every particular Man’s share is ex-
 prest under the Great Seal. As soon as this damnable Writ-
 ing arriv’d in *Ireland*, the Conspirators took an Oath to ac-
 complish the thing ; and in order to it raised an Army,
 wherewith they invaded his Lands, and took some of his Ca-
 stles, that by these Injuries they might provoke him and draw
 him into *Ireland*.

While

A Vindication of

While this *Irish* Plot went on, at *Candlemas* the King held a Parliament at *Westminster*, where he grievously accused several of the Bishops, and chiefly *Alexander* of *Chester*, for holding Correspondence with the Marshal, and for endeavouring to depose him from the Throne of the Kingdom. The said Bishop, to clear himself and the rest of the Bishops, immediately excommunicated all those who had any such wicked Thoughts against the King; and all those who slandered the Bishops in that sort, who were wholly solicitous for the King's Honour and Safety. Afterward in this Parliament, *Edmund* Elect of *Canterbury*, and the rest of the Bishops, came to the King, condoling the Desolation both of him and the Kingdom, and as it were with one Heart, and Mind, and Mouth, said: Our Lord the King, we tell you in the name of God, as your Leigemen, that the Counsel which you now have and use, is neither sound nor secure, but cruel and perilous both to you and the Realm of England: We mean the Counsel of *Peter* Bishop of *Winchester*, *Peter Rivallus*, and their Accomplices; First, because they hate and despise the *English* Nation, calling them Traitors, and causing them all to be so termed, thereby turning away your Heart from the love of your Nation, and our Hearts and the Hearts of the Nation from you; as appears by the Marshal, than whom there is not a better Man in your Land, whom, by dispersing their lies on both sides, they have perverted and alienated from you. And by the same Counsel as theirs is, your Father *John* first lost the hearts of his Country, and afterwards *Normandy*, and other Lands, exhausted his Treasure, and almost lost *England*, and never afterwards had Peace. By the same Counsel several Disasters have happened to your Self; which they there enumerate. They likewise tell him, by the Faith in which they were bound to him, that his Counsel was not for Peace, but for breach of Peace, and disturbance of the Land; that his Counsellors might grow rich by the Troubles of the Nation and the Disherison of others, which in peace they

they could not compass. Amongst the *Items* of their present Grievances, which it would be too long here to recite, this is one, That these Counsellors confound and pervert *the Law of i.e. M. C. the Land*, which has bin sworn and corroborated by Excommunication, so that it is very much to be feared that they stand excommunicated, and you for intercommuning with them. And they conclude, These things we faithfully tell you, and before God we desire, advise, and admonish you, that you remove this Counsel from you, and as the Custom is in other Realms, that you manage your Kingdom by your own faithful sworn Subjects, that are of your own Kingdom. For we assure you, that unless you speedily redress and reform these Grievances, we will proceed to Excommunication, both against you and all other Gainfayers, staying no longer than for the Consecration of the Archbishop Elect. And when they had thus said, the King humbly demanded a short Truce, saying, That he could not so suddenly amove his Council, till he had audited an Account of his Treasure committed to them. And so the Parliament broke up, with a Confidence that Peace and an Agreement would be had in a short time.

The 9th of *April* there came to Parliament at *Westminster* the King with the Earls and Barons, and the Archbishop lately consecrated with his Suffragans, that they might make some wholesom Provision for the Realm, which was still in disorder: The Archbishop taking to him the Bishops and the other Prelates, went to the King, and laid before him the bad state and imminent danger of the Kingdom, and rehearsed all the Grievances which they had mentioned in the last Parliament; and told him plainly, that unless he would speedily rectify his Error, and make peaceable Agreement with his loyal Subjects, he and all the Prelates there would forthwith excommunicate both the King himself, and all that should contradict this Peace and Agreement. But the pious King hearing the advice of his Prelates, lowly answered,

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That

A Vindication of

That he would be governed by their Counsels in all things; so that in few days after seeing his Error, and repenting of it, he dismissed Peter of Winchester and Rivalis, and expelling all the Poitovins from his Court and Castles, he sent them into their own Country, charging them never to see his face more. And afterwards being very desirous of Peace, sent Edmund the Archbishop with the Bishops of Chester and Rochester into Wales, to Leoline and the Marshal to treat of Peace.

With *Leoline* they might treat, but the Earl Marshal was gone into *Ireland*, as it had been before projected by the evil Counsellors, to take care of his Castles and Possessions, which he heard were seized and spoiled: where as soon as he was arrived he was waited upon by *Geoffrey Marsh* his Leigeman, a perfidious old Man, who was one of those to whom the Letter was directed, and was a sharer in the Lands which were granted by Charter. But having been an old Servant to his Father, and pretending an extraordinary honour and affection for the Marshal, he thereby had that power with him, as to lead him into all the Snares and Traps which were laid for him, and which at last cost him his life, tho he sold it very dear. The Story is too long for this place, but he fell a noble Sacrifice for the English Liberties, though neither the first nor the last in that kind.

After *Easter* the King being willing to meet his Archbishop and Bishops, whom he had sent into *Wales*, was going to *Glocester*, and lay at his Mannor of *Woodstock*, where Messengers came to him out of *Ireland* with an account of the Death of the Earl Marshal. Whereupon the King breaking forth into weeping and lamentation, to the admiration of all that were present, made sad moan for the Death of so brave a Knight, constantly affirming that he had not left his Peer in the Kingdom. And immediately calling for the Priests of his Chappel, caused an Obsequy to be solemnly sung for his Soul, and on the morrow after Mass bestowed large Alms upon the Poor. Blessed therefore is such a King, who knows how

how to love those that offend him, and merit with Prayers and Tears for his faithful Subjects, whom upon false Suggestions he had sometime hated. When he came to *Glocester*, *Edmund* and the other Bishops met him, and told him that *Leoline* insisted upon it, as a Preliminary of the Peace, That the banished Barons should be restored. Upon this he summons them to a Parliament at *Glocester*, to which they come under the safe Conduct of the Bishops, and were restored to all their Rights. Afterwards *Edmund* caused a Copy of the Letter, concerning the Treachery prepared for the Earl Marshal, to be read in full Parliament, at which the King and the whole Assembly wept. And the King confessed in truth, that being compelled by the Bishop of *Winchester* and his other Counsellors, he had commanded his Seal to be put to some Letters that were presented to him, but he affirmed with an Oath, *that he never heard the Contents of them.* To whom the Archbishop said, King, search your Conscience; for all those that procured those Letters to be sent, or were privy to them, are as guilty of the Marshal's death, as if they had killed him with their own hands. Then the King taking advice, summoned his Ministers to answer for his Treachery, and the ill use of his Seal when he knew nothing of it: Upon which some took Sanctuary, others absconded, and some fled to *Rome*. *Rivallis* and *Segrave* were afterwards tried in the King's Bench, where the King himself sitting with the Judges, charged them with the Particulars of their evil Counsel, and called them wicked Traytors, and they were deeply fined. And yet the next year these two were received into Grace and Favour again, after he had removed many of his new Counsellors and Officers, to the admiration of People, and had demanded the Great Seal from the Bishop of *Chesster* his Chancellor with a great deal of instance, who had unblameably administered his Office, and was a singular Pillar of Truth in the Court. But the Chancellor refused it, saying, *That having received the Seal by the Common Council of the Realm,*

he could not resign it to any one without the like common Assent.

The miseries of the Kingdom still go on, and no other can be expected from such a Property of a Prince, who sets his Seal to destroy his best Subjects blindfold, and says his wicked Counsellors compell'd him to it; and after he himself has impeached them, and publickly blackned them with his own Mouth, *and threatned to have their Eyes pulled out*, takes them again into his Bosom. And therefore in all the succeeding Parliaments we meet with nothing but their repeated Complaints of the Violations of *M. Charta*, and their ineffectual endeavours to redress them; feigned Humiliations and Sorrow on the King's side, with promises of amendment, but no performance; asking for Mony, and then being upbraided with what he had had already, and that at several times he had wasted 800 thousand pounds, since he began to be a Dilapidator and Consumer of the Kingdom: they give him Mony once for all, and he gives them a Charter never to injure them any more in that kind, by requiring any more Aids: and such like Transactions as these, till we come to *A. D. 1244*, when again he wants Mony. And then upon these following Considerations, That because the Charter of Liberties, which the King had long since granted, and for the observation whereof *Edmund* the Archbishop had sworn and most faithfully past his Word on the King's behalf, had not hitherto been kept: And because the Aids which had been granted to the King, had turned to no profit of the King or Kingdom: And because of other Grievances which the King promiseth to redress, the Parliament came to this Resolution, *That there should be a Prorogation of three weeks, and that if in the mean time the King should freely chuse himself such Counsellors, and order the Rights of the Kingdom as should be to their content, they would then give him an Answer about the Aid.* In these three weeks the Lords drew up a Provision by the King's Consent, to this effect: *Concerning the Liberties at another time bought, granted and confirmed, that for the time to*

come they be observ'd. For the greater security whereof, let a new Charter be made, which shall make special mention of these things. Let those be solemnly excommunicated by all the Prelates, who wittingly oppose or hinder the observation of these Liberties: and let all those have reparation made them, who have suffered in their Liberties since the last Grant. And because neither by virtue of an Oath then taken, nor for fear of the holy Man Edmund's Excommunication, what was then promised has hitherto been kept, to avoid the like Peril for the future, lest the latter end be worse than the beginning: Let four Nobles and powerful Men of the discretest in the Realm, be chosen by Assent of Parliament to be of the King's Council, and to be sworn, that they will order the Affairs of the King and Kingdom faithfully, and do justice to all without respect of Persons. These shall follow our Lord the King, and if not all, two at least shall be present to hear all Complaints that come, and to give speedy relief to those that suffer wrong; they shall supervise the King's Treasure, that the Money given for Publick Uses be so applied. And they shall be Conservators of the Liberties. And because the Chancellor and Justiciar are to be frequently with the King, they being chosen in Parliament may be two of the Conservators. And as they are chosen by the common Assent, so they shall not be removed without the same, &c.

P. 641.

And when (says *Matth. Paris*) the great Men in that Recess of three weeks had diligently treated of these matters, which were so exceedingly profitable for the Commonwealth; the Enemy of Mankind, the Disturber of Peace, and the raiser of Division, the Devil, thro the Pope's Avarice, unhappily put a stop to the whole Business. For in this nick of time comes a Legate to raise Money, with new and unheard of Powers, and this put all into confusion, and made work for a long time after.

Four years after this *A. D.* 1248. a Parliament meets the fennight after *Candlemas* at *London*, that they might treat diligently and effectually with our Lord the King of the Affairs of the Realm, which is very much disordered and impoverished,

P. 743. poverished, and enormously maimed in our days. The Parliament understanding that the King intended to ask an Aid of Money, told him that he ought to be asham'd to demand such a thing, especially seeing that in the last Exaction of that kind, to which the Nobles of *England* consented with much difficulty, he gave them a Charter that he would never burden nor injure them with the like again. He was likewise grievously reprehended, and no wonder, for calling in Aliens, and foolishly squandering the Wealth of the Kingdom upon them; marrying them to his Wards without their consent, and several other his spendthrift and tyrannous Practices. And one and all they grievously reproached him, for not having (as the Magnificent Kings his Predecessors had) a Justiciar, Chancellor and Treasurer, by the Common Council of the Realm, and as is fit and expedient; but such as follow his will, let it be what it will, so long as it is for their own Gain: and who do not seek the good of the Commonwealth, but their own particular profit, by gathering Mony and getting the Wards and Revenues to themselves in the first place.

When our Lord the King heard this, being confounded within himself, he blush'd, knowing that all these things were very true. He therefore promised most faithfully that he would readily redress all these things, hoping by this humility, tho it were feigned, to encline all their Hearts to grant him an Aid. To whom the whole Parliament, which had been often answered with such Promises, upon advice made answer, *That will soon be seen whether the King will reform these things or no, and will manifestly appear in a short time. We will wait a while with patience, and as the King shall carry and behave himself towards us, so he shall have us obedient to him in all things.* Therefore all was adjourned and respited to a fortnight after *Midsummer*. But in the meantime our Lord the King, whether it proceeded from his own Spirit, or that of his Courtiers, who were unwilling to lose any thing of their Power, was hardned and more exasperated, and never minded

mindred to make the least reformation of those Abuses according to his Promise.

When the day appointed came, the Parliament came again to London, with a full belief and trust in the King's firm Promise, that leaving his former Errors, by the Grace of God bestowed upon him, he would encline to more wholesom Advice. As soon as they were assembled, there came this unhandson Answer from the King, *All you the Principal Men of England, you had a mind to bring the Lord your King to the bent of your uncivil will and pleasure, and to impose a very servile Condition upon him; That what every one of you may do at pleasure, should impudently be denied to him; for it is lawful for every body to use whose and what Counsel he will. And so it is lawful for every Master of a Family to prefer any one of his House to this or that Office, or put him by it, or turn him out, which you rashly presume to deny even to your Lord the King. And this Presumption is still the greater, seeing Servants ought by no means to judg their Master, nor tie him to their Conditions, nor Vassals to do the like by their Prince; but all Inferiours whatsoever are to be ordered and directed by the will and pleasure of the Lord and Master: For the Servant is not above his Lord, as neither the Disciple above his Master; and truly he should not be your King, but may pass for your Servant, if he should thus be brought to your will. Wherefore neither will he remove, nor Chancellor, nor Justiciar, nor Treasurer, as you have propounded to order the matter, neither will he put any other in their room. After the same fashion, says M. Paris, there was a cavilling Answer to the other wholesom Articles which were sufficiently for the King's Interest. But he asks of you an Aid of Money to recover his Rights in the parts beyond the Seas, wherein you your selves are alike concerned.* When therefore the Parliament had heard this, they understood clearer than the Light that all this came from his present Counsellors, whose Reign would be at an end, and be blown away with a puff, if the Baronage of all England might be heard. But seeing themselves craftily

Illepidum
respon-
sum.

tily answered and opposed, they all made answer as if it had been precisely with one breath, *That they would by no means uselessly impoverish themselves, that Aliens might be proud at their cost, and to strengthen the Enemies of the King and Kingdom*: Of which they give instances in what lately happened in *Poitou and Gascony*; where the King upon an Expedition of his own head, and against their advice, lost Honour, Treasure, Lands, and wholly miscarried. And so the Parliament broke up in the utmost indignation, every one being disappointed in the great hopes which they long had from this Parliament: and they carried home nothing but, as they used to do, contemptuous Usage, with lost Labour and Expences.

The Grievances still encrease till we come to a new Confirmation of *M. Charta, A. D. 1253.* which was upon this occasion. The Pope for ends of his own solicited the King to undertake an Expedition to the Holy Land, and for his encouragement granted him the Tenth of the Revenues of *England* for three years. Upon this in a very publick and solemn manner he took upon him the Cross; but some said that he only wore that Badg upon his Shoulders as a good Argument to get Mony. And he swore, *That after Midsummer he would begin his journey for the following 3 years, unless he were hindered by Death, Sicknes, or some other reasonable Impediment.* This Oath he took both after the fashion of a Priest with his hand upon his Breast, and after the manner of a Layman, laying his right hand upon the Book and kissing it; and yet says the Historian, the standers-by were never the surer.

But tho the King afterwards produced the Pope's Mandate, wherein by the Power given him of God, he granted the King this Tenth, yet the Bishops opposed it as an unsufferable Usurpation; which put the King into the most *frantick and impotent Rage* that ever was described; and tho afterwards he closeted them, yet he could not prevail. At last about
Easter

Easter a Parliament was called. After fifteen days debate, the consent of the whole Parliament settled in these Resolves; *That they would not hinder the King's pious Intention of going to the Holy Land; nor at the same time should the Church and Kingdom suffer damage.* They therefore grant the King the Tenth's of all Church-Revenues for three years, and three Marks escuage upon every Knight's Fee for that year. And the King on his part promised that in good Faith, and without any Quirks or cavilling Pretences, he would faithfully observe *M. Charta*, and every Article of it. Tho it was no more than his Father King *John* had sworn to keep many years ago, and in like manner the present King at his Coronation, and many a time after, whereby he chous'd the Nation of an infinite deal of Mony.

Accordingly *May* the 3d in the great Hall at *Westminster*, in the presence and with the consent of the King and the whole Parliament, the Archbishop and the Bishops in their Pontificals with lighted Candles, past the Sentence of Excommunication against all that should violate the Liberties of the Church, and the Liberties or free Customs of the Realm of *England*; and those especially which are contained in the Charter of the common Liberties of the Realm of *England*, and of the Forest. And the Charter of *K. John* was accordingly rehearsed and confirmed. The form of the Excommunication is somewhat large, as being strongly drawn up, and the Anathema's well laid on; it is in *Bacon* pag. 131. And all the while the Sentence was reading, the King laid his hand spread upon his Breast, choosing to assist with that Ceremony, and not with holding a wax Candle, to shew as he said, *That his Heart went along with it*; and when it was ended he said these words, *So help me God, I will faithfully keep all these things inviolate, as I am a Man, as I am a Christian, as I am a Knight, and as I am a King crowned and anointed.*

Daniel and *Bacon* are wonderfully taken with the manner of this Confirmation of the Charters, and say that there was

P. 867.

never such a solemn Sanction of Laws, *since the Law was delivered at Mount Sinai*. But the Renowned *Robert Grossthead*, Bishop of *Lincoln*, divining and foreboding in his Heart that the King would fly off from his Covenants, immediately, as soon as he got down into his Bishoprick, caused all the Breakers of the Charters, and especially all the Priests that were so, to be solemnly excommunicated in every Parish Church throughout his Diocess, which are so many as can hardly be numbered, and the Sentence was such as was enough to make the Ears of those that heard it to tingle, and to quail their Hearts not a little.

Ibid.

The Parliament being thus ended, the King presently uses the worst Counsel that could be, and resolves to overthrow all that had been thus established: for it was told him, that he should not be King, at least *Lord in England*, if the said Charters were kept: and his Father *John* had experience of it, and chose rather to die than thus to be trampled under foot by his Subjects. And these Whisperers of Satan added moreover, "Take no care tho you incur this Sentence
 " of Excommunication; for a hundred, or for a brace
 " of hundred pounds the Pope will absolve you, who
 " out of the plenitude of his Power, what he pleases
 " can either loose or bind: For the greater cannot command a greater than he. You will have your Tenth to a
 " Farthing, which will amount to very many thousand
 " Marks; and what lessening will it be of that inestimable
 " Sum, to give the Pope a small Driblet, who can absolve
 " you tho he himself had confirmed the Sentence, seeing it
 " belongs to him to annul, who can enact; nay for a small
 " Gratuity will enlarge the Term of years for the Grant
 " of the Tenth, and will throw you in a year or two?
 Which accordingly afterwards came to pass, as the following Narration shall declare. Here is a lost King and a lost Nation: Why should we read any further?

Two years after, having spent most of that time in the Wars

Wars in *Gascony*, for to the Holy Land he never went, he calls a Parliament at *London* upon *Hoke* day, which was the fullest Assembly that ever was there seen. In short the King wants Mony, was in Debt, and would have the Aid from the Baronies to be continued in proportion to the Tenths, that so, compleating their Tax, he might be bound to give them his Thanks in full. This would have amounted to such a Sum as would have impoverished the Realm, and made it defenceless, and exposed it to Foreigners. Upon Consultation therefore, because that Proposal was impossible, they came to this Concession, " That they would charge and burden themselves much, for to have *M. Charta* to be honestly kept, from that time forth hereafter, without pettifogging Quirks, which he had so often promised, and sworn and bound himself to it, under the strictest Ties that could be laid upon his Soul. They demanded moreover to choose them a Justiciar, Chancellor, and Treasurer, by the Common Council of the Realm, as was the Custom from antient times, and was just; who likewise should not be removed but for manifest Faults, and by the Common Council and Deliberation of the Realm called together in Parliament. For now there were so many Kings in *England*, that the antient Heptarchy seemed to be revived. You might have seen Grief in the Peoples Countenances. For neither the Prelates nor the Nobles knew how to hold fast their *Proteus*, I mean their King, although he should have granted them all this. Because in every thing he transgresses the Bounds of Truth; and where there is no Truth, no certainty can be had. It was told them likewise by the Gentlemen of the Bedchamber, who were most inward with the King, that he would by no means grant them their desire about the Justiciar, Chancellor, and Treasurer. Moreover, the Prelates were bloodily grieved about their Tenth, which they promised conditionally, and now were forced to pay absolutely, the Church being used like a Servant-Maid. The

P. 904.

Nobles were wounded with the Exaction which hung over their heads, and were bewildred.

At last they all agreed to send a Message to the King in the name of the whole Parliament, that the business should be deferred till *Michaelmas*, " That in the mean time they might
 " have trial of the King's Fidelity and Benignity, that he
 " proving thus perhaps towards them and their Patience in
 " the keeping the Charter so many times promised, and so
 " many times bought out, might turn again and deservedly
 " incline their Hearts towards him: and they as far as their
 " Power would extend, would obediently give him a Supply. Which when the King did not like, and by giving no Answer did not agree to it, the Parliament after many fruitless Debates, day after day from morning to night, thus broke up; and the Nobles of *England* now made ignoble, went home (then the Parliament did not live at Court in those days) in the greatest desolation and despair.

In the same year arrived *Alicenor* the King of *Spain's* Sister, whom Prince *Edward* had married, with such a Retinue of *Spaniards* as look'd like an Invasion, who with great Pomp, and all sorts of publick Rejoicings, were received at *London*; tho with the scorn and laughter of the common People at their Pride. But grave Persons and Men of Circumspection pondering the Circumstances of things, fetch'd deep sighs from the bottom of their hearts, to see all Strangers so much in request, and the Subjects of the Realm reputed as vile, which they took for a token of their irreparable Ruin. At the same time there was the worst news that could be of a Legat *a latere* coming over armed with Legantine Power, who was ready prepared in all things to second the King in the destruction of the People of *England*, and to noose all Gain-sayers and Opposers of the Royal Will, which is a tyrannical one, and to hamper them all in the Bonds of an *Anathema*. Moreover it terrified both the Prelates and Nobles, and sunk them into a bottomless Pit of desperation, to see that the
 King

King by such unspeakable craftiness had brought in so many Foreigners, dropping in one after another, and by degrees had drawn into confederacy with him many, and almost all the principal Men in *England*, as the Earls of *Glocester*, *Warren*, *Lincoln* and *Devonshire*, and very many other Noblemen, and had so impoverished the natural born Subjects, to enrich his Foreign Kindred and Relations, that in case the body of the Realm should have thoughts of standing for their Right, and the King were against them, they would have no power to restrain the King and his Foreigners, or be able to contradict them. As for Earl *Richard*, who is reckoned our greatest Nobleman, he stood neutral. In like manner there were others not daring to mutter or speak within their Teeth. The Archbishop of *Canterbury*, who ought to be like a Shield against the Assaults of the Enemy, was engaged in secular Affairs beyond Sea, taking little care of his Flock in *England*. The magnanimous Patriots and hearty Lovers of the Realm, namely the Archbishop of *York*, *Robert Grosbead* Bishop of *Lincoln*, *Warin de Munchesfil*, and many others, were dead and gone. In the mean while the Poitovin Kindred of the King with the Provincials, and now the Spaniards and the Romans are daily enriched with the Revenues as fast as they arise, and are promoted to Honors, while the English are repuls'd.

In this lamentable state was the Nation again, within two years after the so much magnified Confirmation of their Charter, which was indeed performed with the greatest solemnity possible; for Heaven and Earth were called to witness it. The year following, tho *England* still lay under oppression, yet the Welsh were resolved to bear the Tyranny no longer, but stood up for their Country and the maintenance of their Laws, and baffled several Armies first of the Prince and afterwards of the King. They were ten thousand Horse, and many more Foot, who entering into a mutual Association swore upon the Gospels, that they would manfully and faithfully fight to the death for the Liberties of their

their Country and their antient Laws, and declared they had rather die with Honour, than spin out a wretched life in Disgrace. At which manly Action of theirs, says the Historian, *the English ought deservedly to blush, who lay down their neck to every one that sets his foot upon it, and truckle under Strangers, as if they were a sorry diminutive timourfom little people, and a rissraff of scoundrels.*

It is very hard that the English Nation must at the same time suffer by the Welsh in their Excursions upon our Borders, and withal be continually persecuted by this Historian, and upbraided with the Welsh Valour. But so it is, that he cannot mention any English Grievance, but he twits us with the Welsh. *Baldwin of Rivers*, by the procurement of our Lady the Queen, marries a certain Foreigner a *Savoyard* of the Queen's Kindred: Now to this *Baldwin* belongs the County of *Devon*; and so day by day the noble Possessions of the English are devolved upon Foreigners, *which the saint-hearted English either will not know, or dissemble their Knowledge, whose Cowardice and supine Simplicity is reproved by the Welsh Stoutness.*

In the next Passage we have an account of the King's coming to *St. Albans* in the beginning of *March*, and staying there a week; where all the while this Historian was continually with him, at his Table, in his Palace, and Bedchamber; *at which time he very diligently and friendly directed this Writer's Pen:* So that it is not to be expected we shall hear any more of the Welsh. And yet the same Summer when they baffled the King's Expedition against them, he rejoices *that their Martial Business prospered in their hands.* For he says, that their Cause seemed to be a just Cause even to their Enemies. And that which heartned them most was this, that they were resolutely fighting for their antient Laws and Liberties; like the Trojans from whom they were descended, and with an original Constancy. *Wo to the wretched English that are trampled upon by every Foreigner, and suffer their antient Liberties*

Liberties of the Realm to be pufft out and extinguished, and are not ashamed of this, when they are taught better by the Example of the Welsh. O England! thou art justly reputed the Bondswoman of other Countries, and beneath them all: What thy Natives earn hardly, Aliens snatch away and carry off!

It is impossible for an honest Man ever to hate his Country; but if it will suffer it self to be oppressed, it justly becomes at once both the pity and scorn of every understanding Man, and of them chiefly that love it best. But as we cannot hate our Country, so for the same reason we cannot but hate such a Generation of Men, as for their own little ends are willing to enslave it to all posterity; wherein they are worse than *Esau*, for he only sold his own Birthright for a mess of Pottage, but not other Folk's too.

In the year 1258, a Parliament was called to *London* the day after *Hoke* Tuesday, for great and weighty Affairs; for the King had engaged and entangled himself in great and amazing Debts to the Pope about the Kingdom of *Apulia*, and he was likewise sick of his Welsh War. But when the King was very urgent for an Aid of Mony, the Parliament resolutely and unanimously answered him, *That they neither would nor could bear such Extortions any longer.* Hereupon he betakes himself to his shifts to draw in the rich Abbys to be bound for him for Sums of Mony; but though it was well managed, he failed in it. And that Parliament was prolonged and spent in Altercations between the King and the great Men, till the week after *Ascension* day: For the Complaints against the King were so multiplied daily, and the Grievances were so many, by the breach of *M. Charta*, and the Insolence of the Foreigners, that *M. Paris* says it would require special Treatises to reckon up the King's Miscarriages. And the King being reproved for them, and being convinced of the justness of the Reproof, bethought and humbled himself, tho it were late first, and said, *That he had been too often bewitched by wicked Counsellors:* but he promised,

P. 968.

which.

A Vindication of

which he likewise confirmed by an Oath taken upon the Altar and Shrine of St. Edward, *That he would plainly and punctually correct his former Errors, and graciously comply with his natural born Subjects.* But his former frequent breach of Oath rendered him incredible, and neither fit to be believed nor trusted. And because the great Men knew not as yet how to hold fast their *Proteus*, which was a hard and difficult business to do, the Parliament was put off to *Barnaby day*, to be held without fail at *Oxford*. In the mean time the chief Men of *England*, namely the Earls of *Glocester*, *Leicester*, and *Hereford*, the Earl Marshal, and other eminent Men, out of a provident Precaution for themselves, associated: and because they were vehemently afraid of the Treachery of the Foreigners, and much suspected the little Plots of the King, they came armed and with a good Retinue to *Oxford*.

P. 970. There the great Men in the very beginning of the Parliament confirmed their former Purpose and immutable Resolution to have the Charter of the Liberties of *England* faithfully kept and observed, which the King had often granted and sworn, and had caused all the Bishops of *England* to excommunicate in a horrible manner all the Breakers of it, and he himself was one of the Excommunicators. They demanded likewise to have a Justiciar that should do equal Justice, and some other publick things, which were for the common Profit of the King and Realm, and tended to the Peace and Honour of them both. And they frequently and urgently asked and advised the King to follow their Counsels, and the necessary Provisions they had drawn up, swearing with pledging their Faiths, and giving one another their hands, *That they would not cease to pursue what they had propounded, for the loss either of Money or Lands, or for the Life or Death of Themselves or Theirs.* Which when the King understood, he solemnly swore, *That he would comply with their Counsels, and agree to them:* And Prince Edward took the same

same Oath. But *John Earl of Warren* was refractory and refused it, and the King's half Brothers, *William of Valence*, and others. Then the Sea-ports were order'd to be strictly guarded, and the Gates of *London* to be close kept nights, for fear the Foreigners should surprize it. And when they had spent some days in deliberating what was to be done in so weighty an Affair, as repairing the State of a broken shattered Kingdom was, they confirmed their purpose with renewing their Covenants and Oaths, *That neither for Death, nor Life, nor Free-hold, for Hatred or Affection, or any other way, they would be bias'd or slackned from purging the Realm, of which they and their Progenitors before them were the native Offspring, and clearing it of an Alien-born Brood, nor from the procuring and obtaining good and commendable Laws: And if any man, whoever he be, should be refractory and oppose this, they would compel him to join with them whether he would or no.* And tho the King and Prince Edward had both sworn before, yet Prince Edward, as he could, refused this Oath, and so did *John Earl of Warren*. But *Henry Son to Richard King of the Romans* was doubtful and unresolv'd; saying, That he could not take such an Oath, unless it were with his Father's Leave and Advice. To whom the Barons publicly made answer, *That if his Father himself would not agree to it, he should not bold one Furrow of Land in England.* The Kings half Brothers were very positive, and swore bloodily, that they would never part with any of the Castles, Revenues and Wards, which their Brother had freely given them, as long as they breathed. But while they were asserting this, and multiplying Oaths not fit to be rehearsed, the Earl of *Leicester* made answer to *William de Valence*, who was more swollen and haughty than the rest; *Know for certain, that either you shall give up the Castles which you have from the King, or you shall lose your Head.* And the other Earls and Barons firmly attested the same. The *Poitevins* therefore were in a great Fright, not knowing what to do: For if they

Universi-
tas enim
Regni po-
pularis,
et non
nobiles,
&c.

should retire to some Castle, wanting Provisions they would soon be starved out: *For the Body of the common People of the Realm, without the Nobles, would besiege them, and utterly rase their Castles.* Whereupon at dinner time they stole away, as if it had been to go to Dinner, and took their Flight to *Winchester*. When the great Men were advertised that the *Poitovins* had thus taken their Flight towards the Seaside, fearing lest they might be gone to bring in foreign Aid (I suppose they had not forgot how *K. John* served his Barons) they thought all delays dangerous in such a matter, and therefore immediately mustered all their Force to look after them.

P. 973. The Barons on the 15th of July dismissed the *Poitovins*, and commended them to the Seas in their Passage to *France*, where they met with sorry welcome, but at last were sent home with a safe Conduct. But the Barons took care to send them from hence as bare as they came; for *Richard Gray* Governor of *Dover*, by their order, seized all their Mony, and it was appointed to be laid out for the publick Uses of the Realm. On the 20th of the same Month came Commissioners of the Parliament to *London*, and convened all the Citizens, otherwise called Barons, of the whole City; and in the Hall which is called *Gildehall*, they asked them if they would faithfully obey the Statutes of the Parliament, and immutably adhere to them, manfully resisting all Opposers, and effectually aiding the Parliament? Which when they had all of them freely granted, they gave the Commissioners a Charter of this their Grant, sealed with the common Seal of the City. But they did not as yet make publick Proclamation of these Statutes, because they were in confusion about the Earl of *Glocester's* being poisoned, and his Brother (as were several others) which, as appeared afterwards, was the *Poitovins*-Farewel.

And then in this solicitous and weighty Affair, and in this most happy Renovation and right ordering of the whole Realm,

Magna Charta.

51

Realm, *Fulk* Bishop of *London* was more lukewarm and P. 974.
remiss than became him, or was expedient; whereby he so
much the more smutted and blackned his Fame, by how
much he had formerly been more generous than others. And
so the Barons having reposed their hopes in his Breast, he
provoked many of them to Anger by his falling off, when
by this means they believed they should set the King
right with his People. But that which frightened them be-
yond all things was, the King's mutability and unsearchable
doubleness, which they perceived by a terrible Word he let fall.
Being one day upon the *Thames* in his Barge, a sudden Storm
of Thunder and Lightning arose, which he dreaded above
all things; and therefore immediately ordered to be set a-
shore, which happened to be at *Durham-house*, where the
Earl of *Leicester* then lay: Which when the Earl understood,
he runs joyfully to meet him, and reverently saluted him ac-
cording to his Duty; and chearing him, said, *You have no
occasion to be concern'd at the Tempest, for now it is over.* To
whom the King replyed in the greatest earnest, and with a stern
Countenance, *I am indeed afraid of Thunder and Lightning above
measure; but, with an horrid Oath, I dread thee more than all the
Thunder and Lightning in the World.* To which the Earl gave
a mild and gentle Answer, and only let him know he had a
wrong opinion of him. But all Men did suspect this amazing
Expression proceeded from hence, that the Earl had been a
main Man in establishing the Provisions at *Oxford*.

This boded ill to those Provisions, and accordingly in
a short time the King sent privately to the Pope, to be ab-
solved from his Oath whereby he was bound to keep them:
which he easily obtained, not only for himself, but for all
that had taken it, whereby all those that he could any way
corrupt, were free to be of his Party.

The next year the King kept his *Christmas* at the Tower
with the Queen, and being by the Instigation and wicked
Counsel of some about him rendred wholly averse to the Co-

venant which he had made with his Parliament, he contrived how to publish his averſion and indignation againſt it. In order to which he kept his Reſidence in the Tower, *and having broke open the Locks to come at the Treſure, which was depoſited there ab antiquo* * (which I ſuppoſe was ſome antient Heir-loome or publick Stock of the Kingdom, kept there as a Reſerve againſt ſome great Emergency; for it is plain he had not the Keys of it) *he brought it out to ſpend.* After this he hires Workmen to repair and fortify the Tower, and orders the City of *London* to be put in a poſture of Defence, and all the Inhabitants of it from twelve years old and upwards to ſwear Fidelity to him; and the common Cryer made Proclamation, That whoever was willing to ſerve the King, ſhould come away cheerily, and enter into his Pay. And then he took his time to publiſh the Pope's Bull of Abſolution from the Oath, which was done at the *Paul's-Croſs Sermon.*

Upon notice of theſe things, there was a great Confluence of the Barons from all parts, with a great ſtrength of armed Men, who came and lay in the Suburbs; for they were not ſuffered to come within the City. But from thence the Barons ſent Meſſengers to the King, and humbly beſought him, *That he would inviolably keep the common Oath which all of them had taken; and if any thing diſpleaſed him, that he would ſhew it to them, that they might amend it.* But he by no means conſenting to what they offered, answer'd haſtily and threatningly, *That becauſe they had failed in their Agreement, he would comply with them no more, but that from henceforth every one ſhould prepare for his own Defence.* At length by the Mediation of ſome Perſons the Buſineſs was brought to this Iſſue,

* *Vid. Artic. 24. in deſinitione R. 2. Theſaurum, coronas, reliquias, & alia jocalia, videlicet bona regni, quæ ab antiquo dimiſſa fuerant in Archivis Regni, pro honore Regis & conſervatione Regni ſui in omnem eventum, abſtulit, &c. roculos Recordorum, ſtatum & gubernationem Regni ſui tangentium deleri & abradi fecit, &c. there went, Habent enim ex antiquo ſtatuto, &c. Decem. Scrip. 2752.*

That the King should chuse one person, and the Barons another; which two should chuse a third, who having heard the Complaints on both sides, should establish a lasting Peace and Agreement betwixt them. But this Treaty was allowed to be put off till the Return of Prince *Edward*, who was then beyond Sea.

The Prince hearing this, made haste home, that the Peace might not be delayed by his Absence; who when he came, and found what vain Counsels the King had taken, was very angry, and absented himself from his Father's Presence, adhering to the Barons in this behalf, as he had sworn: And they entered into a Confederacy with one another, *That they would seize the King's evil Counsellors, and their Abettors, and to the utmost of their Power remove them from the King.* Which when the King understood, he betook himself with his Counsellors into the *Tower*, his Son and the great Men abiding still without.

The next *Christmas* we find him still in the *Tower*, with the Queen and his Counsellors, that were neither profitable to him, nor faithful. Which Counsellors fearing to be assaulted, got a Guard, and kept close in the *Tower*. At length, by the Queen's means, with much ado, some of the great Men were reconciled, and made Friends with them. When this was done, the King ventured himself out of the *Tower*, leaving the Command of it to *John Mansell* (his principal Counsellor, and the richest Clergy-man in the World) and went down to *Dover*, where he entered the Castle, which was neither offered him nor denied him. And there the King found how he had been imposed upon, when he saw a Castle so carefully guarded by a Guard of the Barons, ly open to him. When he went away, he committed the Charge of that Castle to *E. de Waleram*. He went likewise to *Rockester* Castle, and several others, and found Ingress and Regress at his Pleasure. It is plain they only kept them for the King.

P. 991.

At that time the King thinking himself secure, resolved openly to depart from his Oath, of which the Pope had given him a Release. He went therefore round about to several Cities and Castles, resolving to take them and the whole Kingdom into his hands, being encouraged and animated thereto, because the King of *France*, together with his Great Men, had lately promised to assist him with a great Force. Coming therefore to *Winchester*, he turned his Justiciar and Chancellor, that were lately instituted by the Parliament, out of their Offices, and created *beneficito* new ones. Which when the Barons heard, they hastened with a great Power towards *Winchester*; of which *John Mansell* having timely notice, went privately down to the King, and sufficiently inform'd him of his Danger, and fetcht him hastily back again to the Tower of *London*.

Ad D.
1263.
R. 47.

There the King kept his next Christmas with the Queen and his Counsellors: At which time it was greatly laboured, both by the Bishops of *England* and the Prelates of *France*, to make peace betwixt the King and his Barons; and it came to this issue: That the King and the Peers should submit themselves to the determination of the King of *France*, both as to the Provisions of *Oxford*, and the Spoils and Damages which had been done on both sides.

P. 992.

Universi-
tati con-
cessa.

Accordingly the King of *France* calls a Parliament at *Amiens*, and there solemnly gives sentence for the King of *England* against the Barons; Whereby the Statutes of *Oxford*, Provisions, Ordinances and Obligations, were wholly annull'd, with this Exception: That by that Sentence he did in no wise intend to derogate at all from the antient Charter of *John King of England*, which he granted to his Parliament, or whole Realm. Which very Exception compelled the Earl of *Leicester*, and all that had their Senses exercised, to continue in their Resolution of holding firmly the Statutes of *Oxford*; for they were founded upon that Charter.

Presently after this they all came home that had been present at the *French* Parliament; the King of *England*, the Queen,

Queen, Boniface Arch-bishop of Canterbury, Peter of Hereford, and John Mansell, who ceased not plotting and devising all the mischief they could against the Barons. From that time things grew worse and worse; for many great Men left the Earl of Leiceſter and his righteous Cause, and went off perjur'd. Henry Son to the King of the Romans, having received the Honour of Tickhel, which was given him by the Prince, came to the Earl, and said, My Lord Earl, I cannot any longer be engaged against my Father King of Germany, my Uncle King of England, and my other Relations; and therefore with your good leave and licence, I mean to depart, but I will never bear Arms against you. To whom the Earl cheerfully replied, Lord Henry, I am not at all troubled about your Arms, but for the Inconstancy which I see in you: Therefore pray go with your Arms, and, if you please, come back with your Arms; for I fear them not. At that time Roger de Clyfford, Roger de Leibern, John de Vallibus, Hamon le Eſtrange, and many others, being blinded with Gifts, went off from their Fidelity, which they had sworn to the Barons for the common good.

In come-
mune.

If M. Paris had been alive, he would have told us a piece of his mind concerning this false step of the Barons, in putting their Coat to arbitration, and submitting the English Laws to the determination of an incompetent Foreigner. But we lost his noble Pen A. D. 1259. that is, about 4 Years ago, presently after the establishment of the Provisions at Oxford: So that what has since follow'd, is taken out of the Continuator of his History, who out of Modesty has forborn to set his name, as being unworthy, as he says, to unloose the Latchet of that venerable Man's Shoe. But we are told that it was William Rishanger, who succeeded Mat. Paris in the same Employment, and prosecuted the History to the end of H. 3. I know not by what misfortune we have lost his Provisions of Oxford, which p. 975, he says are written in his *Additamenta*: for certain it was by no neglect or omission of his, because he died with them upon his

his Heart. For the last Passage but one that he wrote, was the Death of *Fulk Bassett* Bishop of *London* (whom we saw above he taxed formerly upon the same account) *who, says he, was a noble Person, and of great Generosity; and if he had not a little before stagger'd in their common Provision, he had been the Anchor and Shield of the whole Realm, and both their Stay and Defence.* It seems his faulting in that main Affair was what *Matthew* could never forgive him alive nor dead. And indeed this could not but come unexpectedly from such a Man, who had been always firm and honest to that degree, as to tell the King, when he arbitrarily threatened him for some incomppliance of his to turn him out of his Bishoprick, *Sir, says he, when you take away my Mitre, I shall put on a Headpiece.*

And therefore the Annals of *Burton* are a very valuable piece of Antiquity, because they have supplied that defect, and have given us both a *Latin* and *French* Copy of those Provisions. It would be too large, as well as beside my purpose, to set them down. In short, whereas by *M. Gbarta* in *K. John's* time there were 25 Barons (whereof the Lord Mayor of *London* was one) appointed to be Conservators of the Contents of that Charter, with full power to distress the King, in case Grievances, upon notice given, were not redressed within 40 days: On the other hand, in this Provision of *Oxford*, which seems to be the easier, as much as prevention of Grievances is better than the cure of them, there were 24 of the greatest Men in *England* ordained, 12 by the King himself, and 12 by the Parliament, to be a standing Council, without whose Advice nothing was to be done. These were to have Parliaments three times a year, where the Barons might come, but the Commons were excused from coming to save Charges. No wise Man will say that this was the *English* Constitution; but these were necessary Alterations by way of Remedy, till they should be able to bring the Government into the right Channel again: For the Provisions of *Oxford* were only provisional, like the *Interim* in

Germa-

Germany before the Reformation, and to continue no longer than as so many Scaffolds, till the Ruins of the Realm were repaired. Accordingly the utmost Provision that I find was but for 12 years, as we have it in the Oath of the Governours of the Kings Castles, in these words. *

Ceo est le serment ke les gardens des Chastels firent. Ke il les Chastels le Rei leaument e en bone sei garderunt al oes le Rei et ses heys. E ke ens les rendrunt al Rei u a ses beyres et a nul autre, et par sun conseil et en nul autre manere ; Ceo est a saver par prodes homes de la terre esluz a sun Conseil, u par la greinure partie. E ceste furme par escrit dure deske a duze ans. E de ilokes en avant per cest establement et cest serment ne seint constraint ke franchement ne les pussent rendre al Rei u a ses heirs. So that the Barons of England were certainly in the right, when they said, that the Provisions of Oxford were founded upon the Magna Charta which the French King and Parliament allowed ; for every greater contains in it the less, and the Power of the 25 Conservators of *M. Charta* is visibly greater than that of the 24 Counsellors at Oxford, as much as the Power of Coercion and punishing is above that of directing.

The French King and Parliament were so far Parties, that (as we saw before) they had promised the King a powerful Assistance, which gave him encouragement so openly to break his Oath, and undo what he had done : Which certainly the Barons did not then know, or else they would have bin very far from submitting to their determination ; especially when they could get nothing by it. For if it had proceeded in favour of them, they only had been where they were before, a foreign Confirmation adding no Authority to *English* Laws ; and that Determination that was made, only served to puzzle the Cause, and to bring a War upon them, which it must be intended this unwise Expedient was to prevent.

The first Aggressor in this War was *Roger Mortimer*, who invaded and ravaged the Lands of *Simon Monfort* ; but he was soon even with him : The Prince likewise took several Castles ;

and Robert Ferrars E. of Derby, who was of neither side, took that opportunity to seize and plunder the City of Worcester, and do a deal of mischief, for which he was afterwards sent Prisoner to the Tower. The Barons Army easily retook what was taken, and marched towards London, where John Mansell Lieutenant of the Tower, fearing he should be severely handled by the Barons, for he was the most special Counsellor the King and Queen had, run away by stealth. The King likewise fearing lest the Barons Army should besiege him in the Tower, by the mediation of some that were afraid as well as he, yielded to an Agreement with the Barons, tho it afterwards prov'd to be but short-liv'd, and promis'd to keep the Provisions of Oxford: But the Queen, instigated with a Feminine Malice, oppos'd it all she could. The Form of this Peace betwixt the King, the Earl, and Barons, was upon these Conditions. 1. That Henry Son of the King of the Romans (who was then the King's Prisoner) should be releas'd. 2. That all the King's Castles throughout England should be deliver'd up to the Custody of the Barons. 3. That the Provisions of Oxford be inviolably kept. 4. That all Foreigners by a set time should evacuate the Kingdom, excepting those whose stay here should be allowed by common Consent, as trusty to the Realm (perhaps not a quarter of the number which we have in one Naturalization Act.) That for the time to come the Natives of England, who are faithful and profitable to the Realm, may have the ordering of all Affairs under the King.

" These things being thus covenanted, in a little while
 " after, Pacts, Promises, Oaths notwithstanding, several
 " Knights on the King's part stored Windsor Castle with a
 " great quantity of Provisions and Arms, and they and the
 " Prince begun a new War. This War lasted with great variety of strange Successes on both sides for several years, till the Earl of Leicester was overthrown and slain in the Battle of Evesham. Upon which the Historian says; " And thus
 " ended his Labours that great Man Earl Simon, who spent,
 " not

" not only his, but himself in behalf of the oppressed, in assert-
 " ing a just Cause, and maintaining the Rights of the Realm.
 " He undertook this Cause, in which he fought to the death, P. 958:
 " by the advice, and at the instance of the Blessed Robert
 " Grossthead Bishop of *Lincoln*, who constantly affirmed, that
 " all that died for it were crowned with Martyrdom.

After this deciding Battle the Prince follow'd his Blow,
 by advising his Father to call a Parliament forthwith, before
 his Victory cool'd; which accordingly met at *Winchester*
 8. Sept. whereas the Fight was 5. Aug. before. In this Par-
 liament they did what they would with the Earl's broken and
 dispers'd Party: *The chief of them were imprisoned to be punish-* P. 992:
ed at the King's will; the City of London disfranchised for their
Rebellion; all that took part with E. Simon disinherited, whose
Lands the King presently bestowed upon those that had stuck faith-
fully to him, as a reward of their Merit. *Ottobon* the Legat al-
 so call'd a Council at *Northampton*, and there excommuni-
 cated all the Bishops and Clergy that had aided and favoured
 E. *Simon* against the King; namely, the Bishops of *Winche-*
ster, London, Worcester, and Chichester: Of whom the Bishop
 of *Worcester* poorly died (*vilitur*) in few days after this Sen-
 tence; but the other three went to *Rome* to make their Peace P. 1001:
 with the Pope. In short, he excommunicated all others what-
 soever that had been against the King.

The disinherited Barons thought never the worse of their
 Cause for this Overthrow, but still continued in Arms for
 three years after. And tho they were forc'd to fly from place
 to place, and live as they could, yet they seem to be the Con-
 querors. For their Answer to the Legates Message to them in
 the Isle of *Ely* shews them to be Men of great Wisdom, In- P. 1004:
 tegrity and Constancy; and their Demands likewise are like
 themselves. For they require the Legat to restore the Council of
 the whole Realm; which he had irreverently ejected out of the
 Realm, the Bishops of *Winchester, London, and Chichester,*
Men of great Counsel and Prudence, for want of whom the
 Nation

Nation sunk. They require him to admonish the King to remove Aliens from his Council, by whom the Land is held in Captivity : That their Lands may be restored them without Redemption at 7 years purchase, which was lately allowed them at Coventry. That the Provisions of Oxford be kept: That Hostages be delivered them into the Isle of Ely, and they to hold that place peaceably for five years, while they shall see how the King performs his Promises. And after this they reckon up several Grievances, as the Collation of Benefices upon Strangers, which are for the Livelibood and Maintenance of Natives only, &c. All which they admonish the Legat to see amended.

Dan.
P. 183.

“ Thus they treat, says *Daniel*, not like Men whom their Fortunes had laid upon the Ground, but as if they had been still standing ; so much wrought either the opinion of their Cause, or the hope of their Party. But this Stubbornness so exasperates the King, as the next year following he prepares a mighty Army, besets the Isle so that he shuts them up ; and Prince *Edward* with Bridges made on Boats enters the same, to whom some of them yielded themselves, and the rest were dispersed by Flight.

P. 1003.

He needed not to have been at such a loss for a Reason of these mens resolute Behaviour, much less to have miscall'd it, if he had heeded the 4th Article of their Answer to the Legat, which he has translated to loss. To the fourth they say, That their first Oath was for the profit of the Realm, and the whole Church, and all the Prelats of the Kingdom have past the Sentence of Excommunication against all that contravene it ; and being still of the same mind, they are ready prepared to die for the said Oath. Wherefore they require the Legat to recal his Sentence of Excommunication, otherwise they appeal to the Apostolick See, and even to a General Council, or if need were to the Sovereign Judg of all.

Now they that had this sense of their Duty, and of the publick Good, tho they were lost Men in the eye of the World, could not chuse but stand upon their Terms ; neither could they

they abate one jot of a righteous Cause, which was all they had left to support them. And that was enough : for he that is in the right, is always Superiour to him that is in the wrong.

The Parliament at *Winchester* seems to have sat in hot Blood, but that King's succeeding Parliaments were far from suffering him to be absolute and arbitrary, *tho there was never a Rebel amongst them.* For the Parliament at *Bury* gave nothing but very smart Denials to his and the Legat's scurvy P. 1002. Petitions, *Petitiones pessimas*, as they call'd them, which were contained in eight Articles. The first was, *That the Prelates and Rectors of Churches should grant him the Tenth for three years to come, and for the year last past so much as they gave the Barons for guarding the Sea against Strangers.* *Answ.* To this they gave answer, *That the War began by unjust Covetise, and is not yet over, (the Isle of Ely being not then reduced) and it were necessary to let alone such very bad Petitions as these, and to treat of the Peace of the Realm, and to convert his Parliament to the profit of Church and Kingdom, not to the Extortion of Pence, especially when the Land is so far destroyed by the War, that it will be a long time, if ever, before it recover.* The seventh is in the Pope's behalf, for the speedy preaching up of a Crusado throughout all England. *Answ.* To this they made answer, *That the People of the Land is in a great part destroyed by the War; and if they should now engage in a Crusado, few or none would be left for the Defence of their Country: whereby it is manifest, that the Legate would have the natural Progeny of the Land into Banishment, that Strangers might the more easily conquer the Land.* Art. 8. Also it was said, *That the Prelates were bound to agree to all these Petitions nollens volens, because of their late Oath at Coventry, where they swore, they would aid our Lord the King, all manner of ways they could possibly.* *Answ.* To this they made Answer, *That when they took that Oath, they did not understand by it any other Aid but Ghostly and wholsom Advice.* A very trim Answer. And all the rest are much after the same fashion. And to conclude this

whole Reign, at his last Parliament at *Marleburgh*, *M. Charta* was confirmed in all its Points.

Thus have I brought down the History of *M. Charta* to the end of *Henry* the 3^d, wherein you have a short, but punctual Account of that Affair, and the true face of things. For I have told the Story with the same Air the Writer himself does, and have been so faithful in the Relation, as to keep close to his very Phrase; whereby in several places it is the worse English, tho the better History. As for the Writer himself, he was the most able and sufficient, and the most competent that could be, writing upon the Spot, and having all the Advantages which, added to his own Diligence, could give him true Information. For he was Historiographer Royal to King *Henry* III. and invited by him to the Familiarity of dining, and being in frequent conference with him, and was directed by him to record several Matters, and to set them down in indelible Characters, which I believe his will prove. And as to his Integrity no Man can suspect him, unless it be for being partial on the Court side, as being in their pay: But his Writings shew that he was above that mean Consideration; and though he gives the King a Cast of his Office where he can, and relates things to his advantage, yet he has likewise done right to the Barons, and was a faster Friend to Truth than to either of them. And accordingly in King *Edward* I's claim to a Superiority over the Kingdom of *Scotland*, this very Writing is brought as authentick History concerning what passed at *York*, 35 *H.* 3. and is cited by the name of *the Chronicle of St. Albans*. In one thing he excels, which is owing to the Largeness and Freedom of his converse with Persons of the first Quality, that he not only records barely what was done, but what every body said upon all occasions, which (as *Baronius* says it is) makes it a golden Book. For Mens Speeches give us great light into the meaning of their Actions, which is the very inside of History.

In this History of *Magna Charta*, the History of the Barons Wars was necessarily involved, so that in writing one I must write both: for as you see they were wholly undertaken for recovering and maintaining the Rights of the Kingdom contained in that Charter, and were in affirmance of it. Whereby they that have been told the Barons Wars were a Rebellion, may know better: and every honest Man will find their Cause to be so just, that if he had lived in those days he must have joined in it; for so we did lately in the Fellow to it, at our present Revolution. It is well indeed for us that our Ancestors lived before us, and with the Expence of their Blood recovered the English Rights for us, and saved them out of the Fire; otherwise we had been sealed up in Bondage, and should have had neither any English Rights to defend, nor their noble Example to justify such a Defence, but should have been in as profound an Ignorance that ever there were any such Rights, as the Barons themselves were of *H. I's* Charter. For in all the Steps the Barons took, we followed them. Did they take Arms for the security of their Liberties? so did we. Did they withdraw their Allegiance from an arbitrary and perjur'd King? so did we. Did they set another over his head, and proceed to the Creation of a new King? so did we. And if we had miscarried in our Affair, we had not been called Rebels, but treated as such; and the Bishop of *London* and all our Worthies had made but a Blue business of it, without putting on the Prince of *Orange's* Livery. And therefore it is great ingratitude in those that receive any Benefit or Protection by this happy Revolution, to blemish the Cause of the Barons, for it is the same they live by; and as for those that had a hand in it, to call the Barons Cause a *Rebellion*, is utterly unaccountable, and like Men that are not of their own side.

Leaving therefore the proper Work of reproaching and reviling both these as damnable Rebellions to the People at *S. Germans*, and the harder work of proving them so, I shall undertake

undertake the delightful Task of doing service to this present Rightful Government, and at the same time of doing right to the Memory of our antient Deliverers, to whom we owe all that distinguishes the Kingdom of *England* from that of *Ceylon*. It had been wholly needless to have written one word upon this Subject, if this Affair had ever been set in a true light, as it lies in Antiquity; or if our modern Historians had not given a false turn to so much of the matter of fact, as they have related, and ruin'd the Text by the Comment. Mr. *Daniel* has done this very remarkably, for after he has given us enough of this History to justify the Barons Proceedings, and they had gained the Establishment of *M. Charta*, he begins his Remarks upon it in these words.

Dan.
p. 144.

"And in this manner (though it were to be wished it had not been in this manner) were recovered the Rights of the Kingdom. Now tho if it had not been done in this manner, it had not been done at all; and tho he allows it to be the Recovery of their own, *the Rights of the Kingdom*, which one would think a very just and necessary work; yet this shrug of a Wish leaves an Impression upon his Reader, as if the way wherein they recovered them were unwarrantable. On the other side King *John* would not allow them to be the Rights of the Kingdom at no hand, *but vain, superstitious, unrea-sonable Demands, the Barons might as well ask him his Kingdom; and he swore he would never grant them such Liberties, as should make himself to be a Slave*. So that I have two things to shew; 1st, That they were verily and indeed the Kingdom's Rights: and 2^d, That they were very fairly recovered; and that the Barons were in the right both as to Matter and Substance, and no way reprobable for Manner and Form.

M. P.
p. 254.

P. 56.

The Charter of *H. 1.* was what the Barons went by, and so must we; where towards the latter end we find these words: *Lagam Regis Edwardi vobis reddo, cum illis emendationibus, quibus Pater meus eam emendavit, consilio Baronum suorum*. I Restore you the Law of King *Edward*, with those Amend-

Amendments my Father made to it by the advice of his Parliament. Here was no new Grant, he barely made Restitution, and gave them back their own. And so we find it in his Father's time. *Ces sont les Loix & les Custumes que le Reis* ^{Ingaiphus p. 48.} *Will. grentat a tut le puple de Engleterre apres le Conquest de la terre. Ice les mesmes que le Reis Edward son cosin tint devant lui.* He grants them the self-same Laws and Customs which his Cousin Edward held before him. Or, as *Ordericus Vitalis* a Norman has it, p. 507. *Anglis concessit sub Legibus perseverare patriis*: He granted to the *English* that they might persevere in the Laws of their Fathers. So that in effect he granted *English*-men to be *English*-men, to enjoy the Laws they were born to, and in which they were bred; their Fathers Laws, and their Mother Tongue. A Country-man would call this a Pig of their own Sow. And yet this Grant by way of Charter, and under Seal, whereby he gave them their own, and quitted all claim to it himself, was lookt upon as the utmost Confirmation and Corroboration, and the last degree of Settlement amongst the *Normans*. And therefore tho *K. William* was too strong for his own Charter, and shamefully broke it, yet they covenanted with his Son *Hen. 1.* before they chose him King, that as soon as he was crowned he should give them another, which accordingly he did. In the same manner they dealt with *K. Stephen*. And this made them covenant after the same manner with *K. John* before they admitted him to the Crown; and so much insisted afterwards upon having his Charter, and having their Liberties secured and fortified with his Seal, *Sigillo suo munitas*, as they termed it. For in those days, what was not under Seal, was not thought good in Law: and not long before in *H. 2's* time, the Bishop of *Lincoln* in a Trial before the King, was for setting aside all the *Saxon Kings* Charters granted to the Abby of *St. Albans*, for want of a Seal; till the King seeing a Charter of *H. 1.* which confirm'd them all, *Why here*, says he, *is my Grand-* ^{In vitiis Abb. p. 79.} *father's Seal; this Seal is the Seal of all the Original Charters,*

much as if it were affixed to every one of them. " Which wise
 " decision of a young King was thought like Solomon's Judg-
 " ment in finding out the true Mother. For the *St. Albans*-
 " men had no way of answering their Adversaries Objection,
 " That all Privileges that wanted Seals are void, because they
 " could not absolutely say there were no Seals in the *Saxon*
 " times, there being a Charter of *Edward the Confessor*,
 " granted to *Westminster* Abby with a Seal to it. But they
 might easily have bethought themselves that he was more
 than half a *Norman*.

Now these things being the undoubted Rights of the King-
 dom, their antient Laws, and Liberties, and Birthright, we
 have the less reason to be solicitous in what manner they shall
 at any time recover them: let them look to that, who violently
 or fraudulently keep them from them. For it would be a ridi-
 culous thing in our Law, for a man to have an Estate in
 Land, and he could not come at it. The Law will give him
 a Way. If the Law gives the King Royal Mines, it gives him
 a Power to dig in any man's Land where they are, that he may
 come at his own. And so if a Nation have Rights, all
 that is necessary for the keeping and enjoying them, is by
 Law included in those Rights themselves, as pursuant to
 them.

But because this is a great Point, and I would willingly
 leave it a clear one, I shall shew that the Barons proceeded
 legally in their whole Affair, and according to the known Prin-
 ciples of the *English* Government; and that all the Pope's
 infallible Bribe-Arguments against them, which have been
 since plentifully transcrib'd, are nothing worth.

I might indeed content my self with the short blunt Argu-
 ments of Mr. *Selden*, who was known to have the Learning of
 twenty men, and Honesty in proportion. 1. That the Custom
 and Usage of *England* is the Law of *England*, as the Usage of
 Parliament is the Law of Parliament. Now the Ancestors of
 K. *John's* Barons recovered their Rights in the same way.

This

This was done in *William* the First's time, in the 4th year of his Reign, when * they raised a great Army; and it was time, seeing that all they had lay at stake under a cruel and insolent Prince. Whereupon † *K. William* being in a bodily fear of basely losing the whole Kingdom, which he had gained with the effusion of so much Blood, and of being cut off himself, called a Parliament to *Barkhamsted*, where he swore over again to observe inviolably the good, antient, approved *Laws of the Realm*, and especially the *Laws of K. Edward*. How inviolably he afterwards kept that Oath, and how he || enriched his Normans with the Spoils of his own natural men the English, who of their own accord preferr'd him to the Crown, I had rather the Reader himself should find out, by his own perusal of that instructive piece of History. 2. The *English* Government is upon Covenant and Contract. Now it is needless in Leagues and Covenants to say what shall be done in case the Articles are broken. If Satisfaction be denied, the injured Party must get it as he can. Taking of Castles, Ships, and Towns, are not provided for and made lawful by any special Article; but those things are always implied, and always done.

Yet seeing Pope *Innocent III.* in his Bull for disannulling *M. Charta* for ever, and in his Excommunication of the Barons, has afforded us his Reasons for so doing, we can do no less than consider them. The weight of his Charge against them is this: *That instead of endeavouring to gain what they wanted by fair means, they broke their Oath of Fidelity: That they who were Vassals presumed to raise Arms against their Lord, M. Paris, and Knights against their King, which they ought not to have* P. 255.

* M. Paris in vit. Frederici Abb. p. 48. Videntes igitur Angli rem agi pro capitibus, plures convocando exercitum numerosum ac fortissimum confecerunt.

† Coepit igitur Rex vehementer sibi timere, ne totum Regnum, quod tanti sanguinis effusione adquisierat, turpiter amitteret, etiam trucidatus.

|| Leges violans memoratas, suos Normannos, in suorum hominum Anglorum naturalium qui ipsum sponte sublimaverunt provocationem, locupletavit.

done, put case he had unjustly oppressed them; and that they made themselves both Judges and Executors in their own Cause: That they reduced him to those streights, that whatsoever they durst ask, he durst not deny; whereby he was compelled by Force, and that Fear which is incident to the stoutest Man, to make a dishonourable and dirty Agreement with them, which was likewise unlawful and unjust, to the great derogation and diminution of his own Right and Honour. Now because, says the Pope, it is spoken to me by the Lord in the Prophet, I have set thee up over Nations and Kingdoms, to pluck up and destroy, to build and to plant, he proceeds to damn as well the Charter, as the Obligations and Cautions in behalf of it; forbidding the King under the penalty of an Anathema to keep it, or the Barons to require it to be kept.

The Barons might well say that the Pope went upon false Suggestions; for he is out in every thing. For 15th, There was no winning of K. John by seeking to him: He would not have granted them their Liberties, if they had kissed his Toe. The Barons had really born with him longer than they ought: for having stipulated to have their Rights restored to them before they admitted him to the Crown, it was too long to stay above 15 years for them, and to suffer so much mischief to be done in the mean time through their Neglect. In the 3^d year of his Reign they met indeed at Leicester, and used a sort of Negative means to come at their Rights; for they sent him word, *That unless he would restore them their Rights, they would not attend him into France.* But upon this, as Hoveden says, the King using ill Counsel, required their Castles, and beginning with William Albinet, demands his Castle of Beavoir. William delivers his Son in pledg, but kept his Castle. And so upon several occasions they were forced to deliver up for Hostages their Sons, Nephews, and nearest of kin. And thus he tyrannized over them, till the Archbishop put them into a right Method: And when at last they had agreed to demand their Rights, and had demanded them, they staid for an Answer from Christmas to Easter; for so long

long he demurred upon what he was bound to have done above 15 years before, and then gave them a flat Denial. So that all the world, saving his Holiness, must say, that the Barons were not Rash upon him.

Nor, 2dly, *That the Barons had no regard to their Oath of Fidelity.* For their Oath of Fidelity was upon this Condition, *that E. John should restore all men their Rights*; and upon the Faith which his Commissioners solemnly made to them that thus it should be, they swore Fidelity to him at *Northampton*. So that K. John had no right at all to this early Oath of Fidelity, because he himself would not keep Covenant, nor fulfil the Terms and Conditions upon which it was made. The * Bargain was, E. John should restore all men their Rights; upon this they were sworn: But E. John did not nor would not restore all men their Rights; and therefore it was E. John himself that released them from their Oath, and gave it them again. For I never heard of a Covenant on one side. The morrow after his Coronation he received their Homages and Fealties over again; but that was the Counterpart of his Coronation Oath. And that again he bitterly broke, though when he was adjured not to presume to receive the Crown, unless he meant to fulfil his Oath, he then promised, *that by the help of God he would keep all that he had sworn bona fide*. How he kept that part which concerned the Church, no way concerns this Discourse, because he was at this time the Popes white Boy, having before given him his Kingdoms of *England* and *Ireland*, and had then sent him Money to confound the Barons and Charter. But the other two thirds of that Oath which concern'd the People, I will here set down, that every body who has read his Reign, may see how truly and faithfully he kept it. *Et quod perversis Legibus destructis, bonas substitueret; & rectam Justitiam in Regno Angliæ exerceret.*

Juramen-
to fidelita-
tis omnino
contemp-
to.

P. 196.

* Et fecerunt illis fidem, quod Comes Johannes Jura sua redderet universis; substituti igitur Conventione Comites et Barones Comiti memorato fidelitatem contra omnes homines juraverunt.

That he would destroy the bad Laws, and establish Good ones in their room, and administer right Justice in the Realm of England. His not keeping the Oath to destroy perverse Laws, and substitute Good, was the present Controversy and Quarrel which his Barons had with him. For the whole meaning of the Charter was to abolish all the ill depraved Laws and Customs that had been introduced, and to restore the good Antient and approved Laws of the Kingdom instead of them. But the Pope amongst other Proposals he made, would fain have prevented and baffled the Charter by this Expedient; *That King John should be bound to revoke all Abuses introduced in his time.* This was a lame business indeed, when the oppressed Barons wanted to be relieved from the Tyrannous Usages introduced in former Reigns, and from a Succession of Evils. King John by his Coronation Oath was bound to destroy and abolish all the bad Laws that were before him, and so are our Kings to this day, and not to make a former Tyrannous Reign a Pattern. The Barons might indeed have had all King John's later Grievances redressed, and yet have perished under the weight of such as were in his Brother Richard's Reign. After Daniel has reckoned up several intolerable Exactions and Grievances in that Reign, he has these words. "And with these Vexations (saith Hoveden) all England, from Sea to Sea, was reduced to extreame Poverty, and yet it ended not here: Another Torment is added to the Confusion of the Subjects by the Justices of the Forests, who not only execute those hideous Laws introduced by the Norman, but impose others of more tyrannical severity, as the memory thereof being odious, deserve to be utterly forgotten, having afterwards by the hard Labour of our Noble Ancestors, and the goodness of more Regular Princes, been asswaged and now out of Use. This deceitful Remedy of the Pope's therefore would have undone the Barons, for such a partial Reformation of Abuses would have established all the rest; according to that known Maxim, *Exceptio firmat regulam in casibus non exceptis.* To

To return to K. *John's* Oath; neither did he keep that Branch of it which relates to the *Administration of true upright Justice*, unless you will allow the destroying of a brave Baron *William Brause*, and the smothering his Wife and two Sons in *Windfor Castle*, for a rash Word of hers; and the putting the Arch-Deacon of *Norwich* into a sheet of Lead, and several such Barbarities, to be choice and eminent Instances of it. So that when the Pope charges the Barons with the breach of their Oath of Fidelity to King *John*, it is unknown to me that they owed him any; which K. *John* himself seemed to mistrust, when after the Barons Demand of their Liberties, he used that fruitless precaution of causing his whole Kingdom to swear Fidelity to him, and renew their Homages. For what signified this swearing to him never so often, while he himself was breaking the Original Contract, and rendring all their Fidelities meer Nullities, by destroying the Foundation of them, and the only Consideration upon which they were made? It is, as *Laud* says, "A Covenant" is a Knot; and to untie a Knot you need not loose both Ends of it, but in untying one End you untie both. And such is the mutual Bond of Ligeance betwixt King and People, it is conditional and reciprocal: And therefore it was impossible for K. *John's* Subjects to be bound while he was loose. That the Fidelity of Kings and Subjects to each other is mutual, conditional, reciprocal, and dependent, I shall prove by the Authority of two Kings, who very well knew how that matter stood. It is in a solemn Covenant of theirs, which because it is short I will here transcribe. *Ego Lodowicus Rex Francorum, & ego Rex Anglorum volumus ad omnium notitiam pervenire, nos, Deo inspirante, promississe, & juramento confirmasse, quod simul ibimus in servitium Crucifixi, & ituri Hierosolynam, suscipiemus signaculum sancte crucis: & amodo volumus esse amici ad invicem, ita quod uterq; nostrum alteri conservabit vitam, & membra & honorem terrenum, contra omnes homines. Et si quacunq; persona alteri nostrum malum*

A.D. 1177.
M.P. p. 133.
Forma
facti inter
Anglorum
& Gallo-
rum reges
initi.

facere

facere præsumpserit, Ego Henricus iuvabo Lodovicum Regem Francorum dominum meum contra omnes homines: & ego Lodovicus iuvabo Regem Anglorum Henricum contra omnes homines, sicut fidelem meum, salva fide, quam debemus hominibus nostris, quamdiu nobis fidelitatem servabunt. *Acta autem sunt hæc apud Minantcourt septimo Kalendas Octobris. They both of them enter a saving for the Fidelity they owe to their Subjects, so long as their Subjects shall keep their Fidelity to them.* Here we have that express'd which was ever implied: for whether the *Quamdiu, consue, quousque, usquequò*, be in or out, it matters not. At K. Stephen's first Parliament at Oxford he made them a Charter, which he promised before his Coronation, whereby he freed both Clergy and Laity from all their Grievances wherewith they had been oppressed, and confirmed it by his Oath in full Parliament: where likewise, Dan. p. 69. says *Daniel*, the Bishops swore Fealty unto him, but with this Condition, *so long as he observed the Tenour of this Charter.* Now it seems this Clause of abundant cautelousness was not in the Oath of the Earls and Barons, neither needed it: for if K. Stephen broke with his People, of course their Fealty ceas'd. This we have again express'd in words at length, in the solemn Charter of the same King, wherein by Consent of Parliament he adopted and made Hen. II. his Heir, and gave him and his Heirs the Realm of England. *Comites etiam & Barones mei Ligium Homagium Duci fecerunt salva mea fidelitate, quamdiu vixero & regnum tenuero: simili lege quod si ego a prædictis recederem, omnino a servitio meo cessarent quousq; errata corrigerem.* Their Duty to him ceas'd 'till he mended his Fault, and returned again to keep his Covenant; Col. 1039. *Quousq; Errata corrigit, & ad prædictam passionem observandam redeat.* Paulo infra. There is no need of these words at length at the end of every Charter or Petition of Right, in case it be broken, which we find in the close of Hen. III's Charter, In Archiv. London. *Anno Regni 42. Liceat omnibus de Regno nostro contra nos insurgere, & ad gravamen nostrum opem & operam dare, ac si nobis*

Bromton,
Col. 1038.

Col. 1039.

In Archiv.
London.

nobis in nullo tenerentur. All the men in our Realm may lawfully rise up against us, and annoy us with might and main, as if they were under no Obligation to us: Because in the Polish Coronation Oath, which likewise is in words at length, we have a plain Hint, why they had better be omitted and suppress'd. *Quod si sacramentum meum violavero (quod absit) Incole hujus Regni nullam nobis obedientiam prestare tenebuntur.* And in case I break my Oath (which God forbid) the Inhabitants of this Realm shall not be bound to yield me any Obedience. Now this God forbid, and the harsh Supposition of breaking an Oath at the very making of it, is better omitted, when it is for every bodies ease rather to suppose that it will be faithfully kept; especially seeing that in case it be unhappily broken, the very natural Force and Virtue of a Contract does of it self supply that Omission. Neither is it practis'd in Articles of Agreement and Covenants under Hand and Seal betwixt Man and Man, to make a special provision, that upon breach of Covenants they shall sue one another, either at Common Law or in Chancery: because this implies that one of them shall prove a Knave and dishonest; but when that comes to pass, I am sure *Westminster Hall* cannot hold them.

In like manner the Barons, after they had born with K. John's Breach of Covenant very much too long, swore at last at the High Altar at St. Edmondsbury, *That if he refused them their Liberties, they would make War upon him so long as to withdraw themselves from their Fidelity to him, till such time as he confirm'd their Laws and Liberties by his Charter.* M. Paris, p. 253. And afterwards at the Demand of them, they say that which is a very good Reason for their Resolve, *That he had promised them those Ancient Laws and Liberties, and was already bound to the observation of them by his own proper Oath.* So that the Pope was quite out, when he says the Barons set at nought and broke their Oath of Fidelity to K. John, for they only helped him to keep his.

The next thing objected against the Barons is this: *That they who were Vassals presumed to raise Arms against their Lord, and Knights against their King; which they ought not to have done, altho he had unjustly oppressed them: And that they made themselves both Judges and Executors in their own Cause.* All which is very easily answered. For, 1. It was always lawful for Vassals to make War upon their Lords, if they had just Cause. So our Kings did perpetually upon the Kings of *France*, to whom they were Vassals all the while they held their Territories in that Kingdom. And by the Law of *England* an inferiour Vassal might fight his Lord in a weighty Cause, even in Duell. The Pope seems here willing to depress the Barons with low Titles, that he may the better set off the Presumption of their Proceedings; but before I have ended, I shall shew what Vassals the Barons were. I should be loath to say, that the Kings of *England* were not all along as good Men as their Lords of *France*, or that the Barons of *England* were not good enough to assert their Rights against any body; but this I do say, that it was always lawful for Vassals to right themselves, even while they were Vassals, and without throwing up their Homage and Fealty. For that was never done, till they declared themselves irreconcilable Enemies, and were upon terms of Defiance. Thus the Kings of *England* always made War in defence of their Rights, without throwing up their Homage and Fealty, till that last bitter enraged War of *Hen. 2.* wherein he had that ill success as broke his Heart, and forced him to a dishonourable Peace, the Conclusion of which he outliv'd but three days. Amongst other things he did homage to the King of *France*, because in the beginning of this War he had rendred up his Homage to him. *M. Paris* takes notice of it as an extraordinary thing, and I do not remember it done before. *Quia in principio hujus guerra homagium reddiderat Regi Francia,* p. 151. The same was practised by *H. 3.* toward that Great Man *Richard* the Marshal; he sent him a Defiance by the Bishop

shop of St. David's into Wales. Upon which the Marshal tells Friar Agnellus the King's Counsellor in that long Conference before mentioned, *Unde homo suus non fui, sed ab ipso Homagio per ipsum absolutus*. This was reciprocal from the Lord to the Vassal, or from the Vassal to the Lord, as he found cause. And therefore King John's Vassals, who are here represented as if they were food for Tyranny, and bound by their places to be unjustly oppressed, for so the Pope allows the case; I say, these Vassals, if they had been so minded, instead of being contented with a Charter at *Runnymede*, might soon have been quite off of K. John, by resigning their Homage to him. This K. Edw. the Second's Vassals did in manner and form by the Mouth of *William Trussel* a Judge, in these words. *Ego Willielmus Trussel vice omnium de terrâ Angliæ, & totius Parliamenti procurator, tibi, Edwarde, reddo Homagium prius tibi factum, & extunc diffido te, & privo omni potestate regiâ & dignitate, nequaquam tibi de cætero tanquam Regi pariturus*. I *William Trussel*, in the name of all men of the Land of England, and of the whole Parliament Procurator, resign to thee Edward the Homage formerly made to thee, and henceforward I defy thee, and prive thee of all Royal Power and Dignity, and shall never hereafter be tendant on thee as King. This was the standing Law long before the time of K. John's Barons; for the Parliament in the 10th of Rich. 2. send the King a solemn Message, that * by an antient Statute they had power to depose a King that would not behave himself as he ought, nor be ruled by the Laws of the Realm: And they instance in this deposing of Edw. 2. but withal as a late and modern thing, in respect of the Antiquity of that

Knyghton,
col. 2549.

* Knyghton col. 2683. Habent enim ex Antiquo statuto, & de facto non longe retroactis temporibus experienter quod dolendum est habito, si Rex ex maligno consilio quocumque, vel ineptâ contumacia aut contemptu, seu proterva voluntate singulari se alienaverit a populo suo, nec voluerit per Jura Regni, & Statuta, & laudabiles Ordinationes gubernari & regulari, ex tunc licitum est eis ipsum Regem de regali solio abrogare, &c.

A Vindication of

Statute. Such an irrefragable Testimony and Declaration of a Parliament so long since, concerning what was ordained in the eldest Ages long before, plainly shews the *English* Constitution, and is a full Confutation of the late *K. James's* Memorial at *Resnick*. And this Power seems to be well known to *K. John's* Barons, who, when there is occasion, talk familiarly of *Creating a new King*, and afterwards were forc'd to do it, tho now they only sought their Charter, and did not attempt to take from him his Kingdom, which the Pope indeed says, but it was not true.

So far have I cleared them from Presumption as Vassals, now as Knights. It is true their Tenure was to assist the King against the Enemies of the Realm; but how if he turn'd so himself? Unjust Oppression, which is the Pope's own Supposition, is no friendly part. Must they then aid him against the Realm, and be the Instruments of his unjust Oppression upon themselves? Their Duty and Service was to the Realm in chief, to him it was subaltern: And therefore knowing their Duty better than the Pope did, they all left *K. John*, all but seven, before he could consent to the Parliament at *Running-Mead*. For it is plain the Pope would have had them Passive-Obedience Knights, and a Contradiction to their very Order, whereby for certain they had forfeited their Spurs.

Yea, but the Barons were Judges and Executors in their own Cause. And who can help it, if they were made so in the first Institution, and from the very Foundation of this Government? As soon as the Saxons had chosen from among themselves one King, this the *Mirror* says expressly was the Jurisdiction of the King's Companions. For tho the King had no Peer, yet if he wronged any of his People, it was not fit that he that was Party should be likewise Judg, nor for the same reason any of his Commissioners: and therefore these Companions were by their place to right the Subject in Parliament. *Mirror*, p. 9. Et tout soit que le Roie ne devoit
aver

aver nul Peere en la terre, pur ceo nequidant que le Roy de
 son toyt, s il pecha vers aucun d son people, ne nul de ses
 Commissaires, poit e Judge & Parter, couvient per droit
 que le Roy ust Compaignions pur oper & terminer aux
 Parliaments trestouts les byebes & plaints de toxts de le Roy,
 de la Roigne, & de lour Infans, & de eur especialment de que
 toxts len ne poit aver autrement common droit. The same
 is more largely set down by the Lord Chief Justice *Bracton*;
 and therefore I will transcribe it in his own words. *Rex autem*
habet superiores, Deum s. Item Legem, per quam factus est Rex: Lib. 2. cap. 16. f. 34.
Item Curiam suam, videlicet Comites, Barones, quia Comites di-
cuntur quasi Socii Regis; & qui habet Socium habet Magistrum;
 & ideo si Rex fuerit sine frano, i. sine Lege, debent ei
 franum ponere, nisi ipsimet fuerint cum Rege sine frano; & tunc
 clamabunt subditi, & dicent, Domine Jesu Christe, in chamo &
 frano maxillas eorum constringe: ad quos Dominus, vocabo super
 eos gentem robustam & longinquam & ignotam, cujus linguam ig-
 norabunt, qua destruet eos, & evellet radices eorum de terra, & a
 talibus judicabuntur, quia subditos noluerunt justè judicare; &
 in fine, ligatis manibus & pedibus eorum, mittet eos in caminum
 ignis & tenebras exteriores, ubi erit sletus & stridor dentium.
 He says, the King has these above him, God; also the Law,
 which makes him a King; also his Parliament, namely, the
 Earls and Barons, who ought to bridle a lawless King, &c. In
 this large Passage you plainly see that what the Barons did was
 so far from being the absurd and presumptuous Usurpation of
 making themselves Judges and Executors in their own Cause,
 that it was their bounden Duty. It was not only lawful for
 them to restrain and bridle a lawless King, but it was in-
 cumbent upon them under the greatest Penalties, and neither
 lawful nor safe for them to let it alone. So that here the Ba-
 rons were hard besett; the Pope delivers them up to Satan
 for what they did, and they had exposed themselves to the
 Vengeance of God, and going to Hell, if they had not done
 it. But they chose to do their Duty to God and their distres-

sed

fed Country, and to venture the causeless Curse from *Rome*.

I might multiply Quotations out of *Fleta* and others to the same purpose, but what I have set down is sufficient; and therefore I shall rather take this occasion to admire the Wisdom of the *English* Constitution, which seems to be built for perpetuity. For how can a Government fail which has such lasting Principles within it, and a several respective Remedy lodged in the very bowels of it? The King has a known Power of causing all his Subjects to keep the Law; that is an effectual Remedy against Lawlessness and Anarchy: and the Parliament has a Power, if need be, to hold the King to the observation of the Laws; and that is a preservative against Tyranny.

This is the *Palladium* of our Government, which cannot be stoln as theirs was from *Troy*; for the Keepers of it are too many to be kill'd, because every *English* man has an interest in it: for which reason neither can it be bought and sold, so as to make a Title; and a man of a moderate Understanding may easily undertake that it shall never be preacht away from us. And hereby *England* is rendred the noblest Commonwealth and Kingdom in the World. I name Commonwealth first, because K. *James* the first, in one of his Speeches to the Parliament, says, *he is the Great Servant of the Commonwealth*. From hence I infer that this was a Commonwealth before he was the Great Servant of it. Great and little is not the dispute; for it is for the Honour and Interest of so glorious a State, to have a Prince as Great as they can make him: As to compare great things with small, it is for the honour of the City to have a magnificent Lord Mayor. And K. *James* told us no news in naming his Office; for this is the Country, as *Fortescue's* whole Book shews us, *where the King is appointed for the Realm, and not the Realm for the King*. And I can shew a hundred places in Antiquity where the Body of this Nation is called a Republick; as for instance, where *Bracton* says, Laws are made *communis reipublice sponsione*; tho I confess,
in

in relation to a King it oftner goes by the prouder name of Realm. But this Constitution of *State* and *Regal* Government, which is the Constitution of *England*, cannot be so well understood by any other one Book, as by my Lord Chancellour *Fortescue's*, which was a Book writ for the Nonce, and to instruct the Prince into what sort of Government he was like to succeed. As directly opposite to this Government, he has painted the *French* Government, made *Fortescue*, up of *Men at Arms and Edicts*. The Prince in the conclusion ^{P. 79.} of it, *does not doubt but this Discourse of the Chancellor's will* ^{P. 130.} *be profitable to the Kings of England which hereafter shall be:* and I am satisfied that no wise King, after he has read that little Book, would change Governments with the *Grand Seigneur*.

And as the Prince has recommended the usefulness of this Discourse to all future Kings, so I heartily recommend it to the careful perusal of all *Englishmen*, who having seen a Succession of bad Reigns, think there is somewhat in the Mill, and that the *English* Form of Government is amiss; whereas the Fault lies only in the Male administration: or if there should happen to be any flaw or defect in any of the occasional Laws, it may easily, and ought to be rectified every Parliament that sits down, as the Book says. ^{P. 129.}

I never heard of any that disliked the *English* Government but some of the Princes Progenitours Kings of *England*, who thinking themselves shackled and manacled by the *English* Laws, endeavoured to throw off this *State Yoke*, that ^{P. 72.} they might rule or rather rage over their Subjects *in Regal* ^{Moliti sunt} *wise only*, not considering that to govern the People by the ^{hoc jugum} *Laws of the State, is not a Yoke but Liberty*; and the greatest ^{politicum} *abjicere.* Security not only to the Subject, but to the King himself, and in great measure rids him of Care. But the same Author, p. 88. tells us the Success of his Attempt: these Pro- ^{Qui sic po-} ^{liticum re-} ^{gimen ab-} ^{dicere sat-} ^{not} ^{gerunt.} genitours of the Prince, who thus endeavoured with might and main to be rid of this *State Government*, not only could

not compass that larger Power which they grasp'd at, but risqu'd both themselves and their Kingdom. As we our selves have likewise seen in the late K. *James*. Or on the other side, perhaps it is disliked by some who have seen no other effects of it, but what have proceeded from the *Scotch* King-Craft, which is worse than no Government at all, and have imputed those Corruptions and Disorders to the *English* Frame of Government; or at least think that it has no Remedy provided against them: and so have fallen into the waking Dreams of *Oceana's*, and I know not what, for want of understanding the True of the *English* Government. But I can assure these Persons, that upon further search they will find it quite otherwise, and that the *English* Frame of Government cannot be mended; and the old Land-marks better plac'd, than we could have laid them with our own hands; and withal that all new Projects come a Thousand Years too late. For *England* has been so long conformed to its own Laws, and its Laws to it, that we are all of a piece: and both in point of Gratitude to our Ancestors who have spent their Lives to transmit them to us, and out of love to Posterity to convey them a thing more valuable than their Lives, we cannot think much at any time to venture our own. I am clearly of Sir *Rob. Phillips's* mind in the Parliament 4th *Caroli*. "Nothing so endangers us with his Majesty, as
 "that Opinion that we are Antimonarchically affected;
 "whereas such is and ever hath been our Loyalty, if we
 "were to chuse a Government, we should Chuse this Monarchy of *England* above all Governments in the World. Which we lately have Actually done, when no body could Claim it, for they could only Claim under a Forfeited Title: and at a time when too much occasion had been given to the whole Nation to be out of conceit with Kings.

As for the remaining part of the Pope's Trash, it is not worth answering. That the Barons reduced K. John to those fireights, that what they dared to ask be dared not to deny. For they

they asked him nothing but their Own, which he ought not to have denied them, nor have put them to the trouble of coming so hardly by it. Nor was the Granting of *Magna Charta* a foul and dishonourable Composition, but Just and Honourable, and therefore Honourable because it was Just. As for the Compulsion there was in it, a man that must be made to be honest, cannot complain of that himself, nor any body for him. In this whole Affair the Pope's Apostolical Authority went farther than his Arguments.

It is the lasting Honour of *Magna Charta* and the Barons, that they were run down by a Pope and a General Council, which were the first that established Transubstantiation, and the deposing of Kings for Heresy, either their own, or even that of their Subjects, if they suffered them in their Dominions; in which case the Pope was to absolve their Subjects from their Allegiance, to set up a Crusado against them, and to dispose of their Kingdoms to Catholick Freebooters. This was a powerful transforming Metamorphosing Council; but they that could turn a bit of Bread into a God, might more easily turn better Christians than themselves into *Saracens*. I take the Decrees of that General Council to be a standing Declaration of War, yea a Holy War, against all Protestant Princes and States to the end of the World; whereby all Papists are the publick and declared Enemies of that part of Mankind, whom they have been pleased to call Hereticks: for it is the established Doctrine of their Church.

Having disprov'd *Land's* first Charge against *M. Charta*, That it had an obscure Birth, as if it had been base born, illegitimate, or upstart; I proceed to the second, That it was foster'd by an Ill Nurse. In answer to which it would be sufficient to say, that it was fostered by a Succession of Kings, and above thirty Parliaments; and if that be an ill Nurse, let all the World find a better. But I shall be somewhat more particular, and shew what great care was taken of it in After Ages. In *Edw. 1.* time, after it had been continued

three times, ordered to be twice a year read in Churches, was sealed with the Bishops and Barons Seals as well as the King's own, and sworn to by the Barons and others, * that they would for ever afford their Counsel and faithful Aid towards the having it kept; I say, after all this, which was good nursing on the Parliament's part, it had like to have been overlaid by the Pope: for when the King thought his whole Business in Scotland was settled, he entred into an Intrigue with Pope Clement the Fifth, very much to the Prejudice of *Magna Charta*; but Mr. Daniel shall have the Honour of telling the Story. " This Pope was Native of *Burdeaux*, and so

Dan. p.
200. A.
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" the more regardful of the King's Desire, and the King more confident of his Favour; which to entertain and increase, he sends him a whole Furniture of all Vessels for his Chamber of clean Gold: Which great Gift so wrought with the Pope, as he let loose this *Lyon*, untied the King from the Covenant made with his Subjects concerning their Charters confirmed unto them by his three last Acts of Parliament, and absolved him from his Oath: an Act of little Piety in the Pope, and of as little Conscience in the King, who (as if he should now have no more need of his Subjects) discovered with what Sincerity he granted what he did.

" But suddenly hereupon there fell out an occasion that brought him back to his right Orb again, made him see his Error, and reform it; finding the Love of his People lawfully ordered, to be that which gave him all his Power and Means he had, and to know how their Substances were intermutual. The News of a New King made and crowned in Scotland, was that which wrought the Effect hereof.

* Knyghron Col. 2523. Et ad ejus observationem consilium suum & auxilium fidele prestabunt in perpetuum.

For upon this he went to *Scotland*, and not long after wintering at *Carlisle*, held his last Parliament there: "wherein" (says *Daniel*) the *State* was mindful of the Pope's late "Action, and got many Ordinances to pass for Reformation of the Abuses of his Ministers, and his own former Exactions. In the next Reign it was confirmed in the 3d Year of *Edw. 2.* and afterwards greatly violated; but every body knows what came of that.

P. 202.

In *K. Edw. 3d's* time it received many noble Confirmations, and amongst the rest, in the 42d of his Reign, it is provided, that all Statutes made against *M. Charta* are void. In the 4th *Rich. 2.* it was appointed by the Archbishop and Lord Chancellour to be Read at the Opening of the Parliament, as if it were the Foundation and Standard of our Laws; and in short it was confirmed over and over again in the succeeding Reigns: So that as it was always Common Law, it is now become a great part of the Statute Law; the Statute called *the great Charter of the Liberties of England*, and the *laudable Statute of Magna Charta*. With this Honour and Renown it descended all along down to us, till it fell into the very Dregs of Tyranny, and then they pick quarrels with it for its Birth and Breeding.

Now to strip it out of *Laud's* disguising Cant of an obscure Birth and ill Nurfing, the plain Notion of *M. Charta* is this: It is a Summary of the Native and Inherent Rights of *English-men*, which the *Norman* Kings by Granting afterwards by Charter, bound themselves not to break in upon and Invade: So that it was only a *Norman-fashion'd* Security, that these Rights should not be violated. But we do not hold these Rights by Charter, no, not by the old dear-bought Parchment and Wax; for they are the Birthright of *English-men*, which no Kings could ever give or take away: They are, as they are called 25 *Edw. 3.* *The Franchises of the Land*, and every *English-man* by being

ing born in the Land is born to them. And these Original Rights being a better Inheritance to every English-man than his private Patrimony, how Great soever, and being transmitted down to Posterity by the hard Labour, Sweat, and Blood of our Ancestors, they are the *Childrens Bread*: And it is not meet for us to take the Childrens Bread, and to cast it away. What I have to say farther in relation to this Subject, shall be in my Next.

F I N I S.

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THE first Part of the Confutation of the Ballancing Letter, with all the other Pamphlets against a Standing Army, are to be had of *A. Baldwin* in *Warwick Lane*.

THE
SECOND PART
OF THE
CONFUTATION
OF THE

Ballancing Letter.

CONTAINING AN
Occasional Discourse

In Vindication of

Magna Charta.

by S. Johnson.



L O N D O N,

Printed for A. Baldwin in Warwick-Lane.
M. DCC.

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The P R E F A C E.

I Have seen several Objections published against the Former Part, wherein if that Author could have shewn me any one Fault, I would have thank'd him, and mended it; but I do not write Books for such, as after a long search to find a Knot in a Bullrush, make one. That I may not give him nor any body else any Offence by my false Inferences, cloudy Reasonings, Mistakes or Misapplications whatsoever, I shall barely set down two or three Quotations, which are able to speak, dispute, argue, and answer for Themselves. The first is to shew, that for a King of England to have standing Forces, or Men at Arms, is contrary to the English Constitution; or else Mr. Bacon, who has given us an excellent Book of it, collected out of Mr. Selden's Manuscript Notes, has strangely mistaken it. For his own words upon Henry the Seventh's instituting a Guard of 50 Archers, are these. 'That [Guard] of his Person, he only pretended as a Ceremony of State brought from the French Court; and yet it is strange that it went so well down with a free People. For that Prince that will keep Guards about his Person in the midst of his own People, may as well double them into the pitch of an Army whenever he pleases to be fearful; and so turn the Royal Power of Law into Force of Arms. But it was the French Fashion, and the King's good hope to have all taken in the best sense. This is so well known, that the very Author himself of the Ballancing Letter, has these

Bacon of
the Laws
and Go-
vernment
of Eng-
land,
Part 2.
p. 114.

The Preface.

words. Page 3. lin. 15. 'Any Man who would pretend
' to give a Jealousy of the Nation to the King, and suggest
' that he could not be safe among them without he were envi-
' ron'd with Guards and Troops, as it was in the late
' Reigns, ought to be abhorred by every true English-man,
' by every Man who loves Liberty and his Country.

My other Quotations are about an incidental Point which
fell into my former Discourse, concerning the Admission of
Foreigners into England. This, according to the sense of all
Antiquity, is giving them our Country. The words in
K. John's Charter at Runningmead concerning them, are
these. Et nos amovebimus omnes alienigenas à terrà,
Parentes omnes Girardi de Athies, Engelandum scilicet,
Andream, Petrum, Gyonem de Chanceles, Gyonem de Cigvini,
uxorem prædicti Girardi, cum omnibus liberis suis,
Gaufridum de Martenni, & fratres ejus, Philippum Marc,
& fratres ejus, & G. nepotem ejus, Falconem, & Flandrenses omnes & ruptarios,
qui sunt ad nocumentum Regni. Here K. John is to
amove Aliens out of the Land, both all and some, as a Nu-
sance to the Realm. And to conclude, my last Quotation is
one of the Statutes made at Oxford 42 H. 3. founded upon
K. John's Charter, and in pursuance of it. Statuerunt e-
tiam, Quod omnes alienigenæ cujuscunq; conditio-
nis existerent, seu nationis, confestim repatriarent sub
pœna membrorum & vitæ. That all Aliens of whatso-
ever Condition they were, or Nation, should forthwith repair
home, under the penalty of Life and Limb. The Act is Gene-
ral, but no body can say that it is an Act for a General Na-
turalization.

M. P.
p. 251.

Knighton.
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A

VINDICATION

O F

Magna Charta.

IN order to this I shall first shew, That *Magna Charta* is much elder than King *John's* time, and consequently that its Birth cannot be blemished with any thing that was done in his time, tho his Confirmation of it had been really extorted by Rebellion. Secondly, That the Confirmations which were had and procured to it in King *John's* and *H. 3.* time, were far from being gained by Rebellion.

First of all, The Contents of *Magna Charta* is the undoubted Inheritance of *England*, being *their Antient and Approved Laws*; so antient, that they seem to be of the same standing with the Nation; and so well approved, that *Fortescue* De Laud. Leg. Ang. applauding our Laws, triumphs in this, That they passed thro all the British, Roman, Danish, Saxon, and Norman times with little or no alteration in the main. Now, says he, if they had not been liked by these People, they would have been altered. Accordingly in this last Norman Revolution King *William* the First (falsely and flatteringly called the Conqueror) swore to the inviolable Observation of them under this Title, of *the Good, Antient and Approved Laws of the Realm*, and particularly and by name *K. Edward's Laws*. So antient is the Matter and Substance of *Magna Charta*.

Secondly, Nor was the manner and form of granting these Laws by Charter, or under Hand and Seal, with the Confirmation

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tion of an Oath over and above the Coronation Oath, any new Invention or Innovation at all; for as *William 1.* began it, so I am sure that *H. 1.* and *K. Stephen*, and *H. 2.* did the same before: And therefore if the obscure Birth of *M. Charta* was in *K. John's* time, it was then born with a grey Beard, for it was in being in his Great Grandfather's Reign.

For, thirdly, That very Charter of his Great Grandfather *H. 1.* was the Ground and Reason of the Parliament's insisting upon having the like Confirmation of their Liberties by *K. John*, and was the Copy by which they went. For tho *K. John* at his Absolution at *Winchester* from the Pope's Sentence and Excommunication, had solemnly sworn to restore the good Laws of his Predecessors, and particularly those of *K. Edward*; and tho presently after at a Parliament at *St. Albans*, the Laws of *K. H. 1.* were ordained to be observed throughout all *England*, and all bad Laws to be abolished: yet contrary to both these late Engagements, he was marching an Army in all haste to fall upon several of his Barons, who had lately failed in following him in an intended Expedition into *France*. But the Archbishop stopt him in this Career, by following him to *Northampton*, and there telling him, that it would be a breach of his Oath at his late Absolution, to make war upon his Subjects without Judgment in Parliament. The King hufft him, and told him, *That this was Lay business, and that he would not delay the Business of the Kingdom for him*, and by break of day next morning marches hastily towards *Nottingham*. The Archbishop still follows him, assuring him that he would excommunicate all his followers, if they proceeded any further in this hostile way; and never left him till he had set a day for a Parliament, that the Barons might there answer it.

This Parliament was held at *London* at *St. Paul's Church*, where before it ended the Archbishop took some of the Lords apart, and put them in mind how he made the King swear at *Winchester* to restore the good Laws of *K. Edward*, and cause them

A. D.
1213.
Reg. 15.

Magna Charta.

3

them to be observed by all the Realm. And now, says he, there is likewise found a certain Charter of *H. 1. King of England*, by which if you please you may be able to restore your long lost Liberties to their former state and condition; and producing the Charter, he caused it to be read all over in their hearing: Which the Lords having heard and understood, were overjoy'd, and swore in the presence of the Archbishop, *That when they saw it convenient for these Liberties, if need were they would spend their Lives.* The Archbishop for his part promised them his most faithful aid and assistance to the utmost of his power; and after this Association was thus entred into, the Parliament broke up.

There had past but 113 years since the Grant of *H. 1. Charter*; and though there were then made as many Charters as there were Shires, (directed to the Sheriff of every County to proclaim them, for this is directed to *Hugh de Bocland Sheriff of Herefordshire*) and by the King's express Order were to be laid up in the Abbys of the several Counties for a Monument; yet because the thing was beyond the memory of Man, and that Age not very conversant with Book-learning or Records, it seems not to be known to them; and the Archbishop says, *Inventa est quoque nunc Charta quedam H. 1.* But when the Lords had once seen it, they were so fond of it, that they got it away from the Archbishop, and the next year about *Michaelmas* when the King was returning out of *France*, the Earls and Barons met at *St. Edmondsbury*, it might be thought for Devotion, but it was to consult about their Liberties; and there the Charter of *H. 1.* which contained their Laws and Liberties, was again produced and treated of amongst them. After which they all went to the High Altar, and there swore in order, beginning at the Greatest, *That if the King should refuse to confirm by his Charter the said Laws and Liberties (being the Rights of the Kingdom) they would make War upon him till he did.* And likewise at last by common consent they came to this Resolution,

A Vindication of

That they would all go together to the King after Christmas, and desire him to confirm the said Liberties. And in the mean time that they would make such provision of Horses and Arms, that in case the King should start from his late Oath wherein he promised it (which they had too much reason to believe, because of his doubleness) they might then compel him to performance by seizing his Castles.

Accordingly after Christmas they came to the King in a gay military Habit, and desired the Confirmation of their antient Liberties, as they were contained in writing in the Charter H. I. and the Laws of K. Edward. They affirmed likewise that by his Oath at Winchester he had promised those Laws and Liberties, and that he was already bound to keep them by his own Oath. The King seeing the Constancy and Resolution of the Barons in their Demand, did not think fit to deny them, but desired respite and time to consider of it, being a weighty business, till after Easter; and after several Proposals on both sides, the King very unwillingly set a day, and the Archbishop, Bishop of Ely, and Lord Marshal were his Sureties, that then they should all of them have satisfaction given them in reason. Upon this the Lords went home. But the King in the mean time by way of precaution, caused all the whole Realm to swear fealty to him alone against all Men, and to renew their Homages. And as a farther Security and Protection, more than out of Devotion, at Candlemas following he took upon him the Cross.

In Easter-week the forementioned Lords met at Stanford, who now had drawn together in favour of them almost all the Nobility and principal Gentry of England: So that they amounted to a numerous Army; and the sooner because K. John had rendered himself universally hated. In this Retinue were 2000 Knights, besides all others of lower rank, Horse and Foot diversly armed. The King was then at Oxford expecting the coming of the Parliament. On the Monday following these associated Barons came to Brackley; which

which when the King understood, he sent to them the Arch-Bishop, the Lord Marshal, E. of *Pembroke*, and several other sage Persons, to know what were the Laws and Liberties they required; which they presently delivered in a Schedule to those that came from the King, affirming, that if he would not forthwith confirm them under his Seal, they would compel him, by seizing his Castles, Lands, and Possessions, till he gave them competent satisfaction in the Premises. Then the Arch-Bishop with the rest of his Company carrying this Schedule to the King, rehearsed all the Chapters or Heads of it before him *memoriter*. But when the King understood the Purport of it, he laugh'd, and said with the utmost Indignation and Scorn, *And why do not the Barons together with these unjust Demands, demand my Kingdom? The things they ask,* said he, *are idle and superstitious, and not supported by any tittle or pretence of Reason.* And at length in a great rage he affirm'd with an Oath, That he would never grant them such Liberties, whereby he himself should be made a Servant.

When therefore the Arch-Bishop and Earl of *Pembroke* could in no wise gain the King's Consent to these Liberties, by his command they returned to the Barons, and there reported just what the King had said in order. Whereupon the Barons presently chose them a General, and flew to their Arms, and marcht directly to *Northampton* to seize that Castle. But having spent 15 days in that fruitless Attempt, having no Petards nor other warlike Instruments to carry on a Siege, somewhat abashed with this Disappointment, they marcht to *Bedford*, where they were kindly received, and by Messengers sent to them from the principal Citizens, were invited to *London*. When they were come thither, they sent Letters to all the Earls, Barons, and Knights that as yet seem'd to adhere to the King, tho it were but feignedly; That as they tender'd their Estates, they should leave a perjur'd King, and come and join them, and effectually engage with them for the Liberties and Peace of the Realm: otherwise they
threat-

threatned to treat them as publick Enemies. Upon which most of the Lords who had not as yet sworn to the said Liberties, wholly leaving the King, came to *London*, and there associated with the Barons.

King *John* seeing himself thus generally forsaken, so that he had hardly seven Knights remaining with him, and fearing lest the Barons should insult his Camp, which they might easily have done without opposition, he betook himself to fraud and dissembling, pretending Peace, when he had immortal War in his Heart, resolving hereafter to oppress the Barons singly, whom he could not all at once. He therefore sends to them the E. of *Pembroke* and other Persons of Credit with this Message, *That for the Benefit of Peace, and for the Advancement and Honour of his Realm, he would willingly grant them the Laws and Liberties which they desired*, leaving to the Barons to appoint a convenient Time and Place for the Performance. They very gladly set the King a day, to meet the 15th of *June* at *Running-mead* betwixt *Stanes* and *Windsor*, an antient place for the meeting of Parliaments.

The King and the Lords accordingly met, and their Parties sitting asunder, and keeping to their own side, treated of the Peace and the Liberties a good while. There were present as it were of the King's Party, the Arch-bishop, and about 30 principal Persons more, whom *Matthew Paris* names; but, says he, they that were on the Barons side were past reckoning, seeing the whole Nobility of *England* gathered together in a Body seem'd not to fall under number. At length after they had treated in several sorts, the King seeing the Barons were too powerful for him, made no difficulty to grant them the Laws and Liberties under-written, and to confirm them in his Charter in this manner.

P. 255.

Here follows *Magna Charta* in *Mat. Paris*. And because there was not room for the Liberties and free Customs of the Forest in the same Parchment, they were contained in another Charter *de Foresta*. And then follows the security for them both.

After

Magna Charta.

7

After this the King sent his Letters Patents to all the Sheriffs in *England* to cause all persons of what condition soever, to swear, That they would observe these foresaid Laws and Liberties, and to the utmost of their power distress the King by seizing his Castles, and otherwise streighten him to the execution and performance of all things contained in the Charter. At last the Parliament being ended, the Barons returned to *London* with their Charters.

Thus have I given you a short view of the noble Conduct of the Barons in their manner of obtaining the Confirmation of their Charter from *K. John*. The restitution of *Magna Charta* you may call it, for the Birth of it you see it was not. What I have recited is undoubted History and Record, and clear matter of Fact. And I have confined my self only to these three last years, in which the Barons were in pursuit of this business, and took the quickest Steps towards it: and above all, were put into a right Method by the advice of *Stephen Langton* the Archbishop, to claim their Estate with the Writings of it in their hand. For above a dozen years before, in the 3^d of this King's Reign, upon a Summons of his to the Earls and Barons to attend him with Horse and Arms into *Normandy*, they held a Conference together at *Leicester*, and by general consent they send him word, *That unless he would render them their Rights and Liberties, they would not attend him out of the Kingdom.* But that impotent demand of their Liberties by the by, did them no good, but exposed them to still more and more intolerable Oppressions. They should have gone to him according to their Summons, they should not have sent. Not to mention that his Faith was plighted by the Arch-bishop *Hubert*, *William Lord Marshal E. of Pembroke*, *Geoffrey Fitz-Peter* Chief Justiciar of *England* (whom he sent as his Commissioners to proclaim and keep the Peace immediatly after the death of his Brother *Richard*). *That the Earl John would restore all men their Rights.* This was done at an Assembly of the

Dan.

P. 129.

Paris

P. 196.

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the Peers at Northampton, before his coming out of Normandy to be crowned. *Sub tali igitur conventione Comites & Barones Comiti Johanni Fidelitatem contra omnes homines juraverunt.* Upon these Terms, and no otherwise, the Earls and Barons swore Fealty to him: Which made K. John so much rejoice at Geoffrey Fitz-Peter's Death, and swear, *That then, and not before, he was King and Lord of England.* For from thenceforward, says Paris, he was more at liberty to contravene his Oaths and Covenants, which with this Geoffrey he had made sore against his will; and loose himself from the Bonds of the Peace he had enter'd into. Now these Pacts and Covenants are clearly that before his Coronation, which I have just now recited, and at this Parliament at St. Albans, Anno 1213. not a year before this great Man's Death. Where the King's Peace was publicly declared to all his People, and it was strictly commanded in the King's behalf, *That the Laws of his Great Grandfather H. 1. should be kept by the whole Realm, and all unjust Laws abolished.* In both these Affairs he transacted for the King, having in this last, together with the Bp. of Winchester, the Government of the Kingdom committed to him, the King being then absent in his way to France.

P. 243.
Pactis con-
traire.

Well, but now the Barons at last have their long lost Rights restored and confirmed, to the universal Joy of the Nation; which is soon overcast. For K. John immediatly resolves to undo all that he had done, being prompted thereto not only by his own arbitrary tyrannical Disposition, but also by his foreign Mercenaries, whom he had long made his Favourites and Confidants, while he look'd upon his own natural Subjects as Abjects. The Flanders Rusters, or Cavaliers, who now by Magna Charta were expressly and by name order'd to be expelled the Kingdom as a Nuisance to the Realm, these being grown his saucy Familiars, so followed him with Derision and Reproaches, *for unkinging himself by these Concessions, and making himself a Cypher, and our Sovereign Lord*

Magna Charta.

9

Lord of no Dominions, a Slave to his Subjects, and the like, that they made him stark Bedlam: And being given over to Rage and Revenge, he privately retires to the Isle of Wight, where, as Paris says, he provides himself of St. Peter's two Swords. He sends to the Pope, whom he bribes with a large Sum of Money, besides his former Surrender of the Kingdom, to cancel and annul M. Charta, and to confound it with his Apostolical Authority; and withal to excommunicate the Barons for it: And at the same time he sends the Bp. of Worcester, Ld. Chancellor of England, the Bp. of Norwich and several other Persons, to all neighbouring Countries, to gather together all the Foreign Forces they could, by promises of Lands and Possessions, and if need were, to make them Grants under the Great Seal, and to bring them all to Dover by Michaelmas.

That 3 Months he spent *Incognito* in and about the *Isle of Wight*, coasting and skulking about, and sometimes exercising Piracy out at Sea; so that it was not then known where he was, nor what was become of him: but thus he whiled away the time, contemplating his Treason, and waiting for the incomprehensible Enemy-Friends he had sent for. I know not whether this Desertion, and not providing for the Government in his Absence, and sending the Great Seal of *England* upon such an Errand out of the Realm, may not with some men amount to a modern Abdication: But I am sure that this which follows is enough to justify the Expulsion of a whole Race of *Tarquins*. After *Michaelmas* he sailed to *Dover* to meet his outlandish Scum, with which he Invades his own Kingdom. Such an execrable desperate Crew never set foot upon *English* Ground, so fitted for Mischiefe, and that thirsted after nothing more than human Blood, whom his Agents had drawn together out of *Poitou, Gascony, Leuain, Brabant, Flanders*, and weeded all the neighbouring

Hostiles &
micos &
amicables
hostes.
p. 265.

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Continent for them. These made up a vast Army, notwithstanding the Shipwrack of *Hugh de Boves*, who was bringing 40 thousand more, besides Women and Children, who all perished in a Storm betwixt *Calais* and *Dover*. This Freight of Women and Children, several of which were afterwards driven ashore in their Cradles, were intended to plant the two Counties of *Norfolk* and *Suffolk*, after the Extirpation of the *English*; for it is said that this *Hugh* had a Charter of Inheritance given him of these two Provinces.

But with these Forces he had, he overrun *England*, and wasted it with Fire and Sword in such a manner, as no *English* man can read the History of it without being in pain and torment. There is such a Scene in *Mat. Paris*, p. 276. as was never seen again, unless in the French and Irish Massacres: it looks like Hell broke loose. For these *Satellites Satanae*, the Devil's Life-Guard, as *M. Paris* calls them, seemed to have premeditated Malice against Mankind; and being led on à *crudeli Rege, imò cruento Tyranno*, by a cruel King, nay it was a bloody Tyrant, no Furies could put innocent People, in cold Blood, of all Ages and Conditions, to more exquisite Tortures, nor sport themselves more in making Havock and Desolation than they did. And with this horrid Ravage he overrun *England*, and proceeded as far as *Berwick* in half a years time; all the Castles of the Barons falling to him, either surrendered, or for the most part abandon'd.

In the mean time most of the Barons are at *London*, where we left them, making holiday for the grant of *M. Charta*, and pleasing themselves, that after so long Oppression and Egyptian Bondage, the Liberties of *England* were restored again in their days. They thought likewise that God had touched the King's Heart, and he was become a new man, and meant the good Faith he had sworn; and flatter'd themselves that he would from henceforward inviolably observe their Charters. But they were interrupted in this thought by the privat intelligence they had, That he had given orders to his
Foreign-

Magna Charta.

11

Foreigners in whom his Soul trusted, to fortify and furnish his Castles with Men and Provisions, and to store them with all manner of Artillery ; but to do it so warily, that it might not come to the knowledge of the Barons. This boded no good ; for here was *M. Charta* concerning the expulsion of Foreigners broken already : and therefore some of the Barons went to the King at *Windsor*, to know more of this matter, and to try by gentle and wholesom Advice to bring him to a better mind. He received them with a blithe Countenance, and thereby palliated the inward Venom ; and swearing by God's Feet, he assured them, that he had no ill purpose, and banter'd and laughed them out of their story. Nevertheless before they left him they gathered such marks of his aversion to them, and that all was not well, that they went back to *London* lamenting, and saying, *Wo to us and to all England, which wants a King that will speak truth, and is oppressed by a false underband Tyrant, that uses his utmost endeavours to subvert a miserable Kingdom.*

The very night after this Conference with the Barons, it was, that he stole away from *Windsor* to the *Isle of Wight*, and there laid his hellish Plot against the Nation : which was so deep, that it did not enter into the hearts of the Barons to suspect or imagine. They had now recovered the Rights of the Nation, which was nothing but their own, and had bin most unjustly detained from them, and they never intended nor sought for more. But because the King went away in a bad mind, and because they had certain notice that nothing but their departure from *London* was wanted in order to surprize it ; they therefore adjourned their Torneament which they had formerly appointed on the Monday after the Feast of *St. Peter* and *St. Paul* at *Stanford*, to be held the Monday sevensnight after at *Hounslow* near *London*, both for the safety of the City, and their own. This they certify in their Letter to *William Albinet*, who was gon down to his Castle of *Beauvoir*, and withal desire him

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by all means to make one at it, and to come up well provided with Horfes and Arms, that he might win Honour. For he that performed best was to have a Bear, which a certain Lady would fend to the Torneament. With such frivolous and idle actions, says *M. Paris*, did they entertain themselves, little knowing what cunning snares were laid for them.

Still they remain at *London*, and for want of better Employment spend their time yet more vainly, in eating and drinking, and sitting up anights at the expensive dye, which however does not look like plotting; for if they had been so minded, it had bin easy for them in the King's absence, to have taken very great advantages against him. But they meaning no hurt, had reason to expect none, and therefore the Invasion after *Michaelmas* fell suddenly upon them like a Tempest, or *Hugh de Boves's* Storm. And being wholly unprovided to resist such an Inundation as this, they thought the best way to put some stop to it, would be by presently throwing in a good Garrison into the Castle of *Rocheſter*, that the King might not come immediately to besiege *London*. Accordingly they make choice of *William de Albinet* who was just come from his own Castle, and a noble Band of sevenſcore Knights with their Retinue for this Service. When they came thither, they found nothing but bare Walls, neither Provision, nor Arms, nor any thing but what they had brought along with them; insomuch that many of the Noblemen repented their coming down, and would have returned: but *William de Albinet* overperswaded them to stay, and told them it would be dishonourable to desert what they had undertaken. They therefore get together what provision they could out of the Town in that short space, for within three days the King and his Army were with them, and had block'd them up. There they behaved themselves like great men; but the Siege lasting long, they were so straitned for Provisions, that they were forced at last to eat their Horſes. Being thus in distress, the Barons at *London*, though with the latest, remembered their Oath,

to relieve them in case they were besieged, and marched out with a pompous Army as far as *Dartford*; but there the gentle Southwind met them, and blew in their faces, and tho it uses not to be troublesome to any body else, yet it drove them back, as if it had been drawn Swords, to their known Den at *London*. This scoffing Reason is all that *M. Paris* will give for their shameful Retreat, and deserting their Companions; but no doubt it was some panick Fright from the Reports of the Country, concerning the Numbers and Conditions of the King's Army: for he himself elsewhere tells us, That they were such as struck a Terror into every body that beheld them. This piece of Cowardice makes the King insult, and push on the Siege with the greater fury, which only lost him the more men: for they defended themselves to a miracle, and lost but one Knight during the whole Siege. But at last their Provision failing them, when they had not one Morfel left, on *St. Andrew's* day they all went out and surrendered themselves to mercy. The King immediately ordered them, Barons and all to be hang'd up. But in this *Savaricus de Maloleone* who was himself a Nobleman, withstood him to the face, and told him that as yet it was but a young War, and no body knew what the Chances of it might be: It might be his hap, or any Nobleman's else, to fall into the hands of the Barons, who would be taught by this example of his how to use them; and that no body would serve him upon those Terms. With much ado the King yielded to his Advice, tho it was likewise the opinion of all the wisest about him: and so he sent *William Albinet* and many others to be kept close Prisoners in *Corf* Castle, others to *Nottingham* and other Prisons, but gratify'd his Cruelty in hanging up their Servants.

One day during this Siege the King and *Savaric* were viewing the Castle to discover where it was weakest. The best Marksman that *William Albinet* had, knew him and said, *My Lord, may it please you, shall I now kill the King our bloody*
Enemy,

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Enemy with this Dart, which I have here ready? No, no, says he, you wicked Glutton; God forbid that we should procure the Death of the Lord's Anointed: Says the other, If it were your case he would not spare you; says William, God's Will be done, God shall dispose of that, not he. Herein, says M. Paris, he was like David sparing Saul, when he could have killed him. This Passage was not unknown to the King, and yet for all that he would not spare him, when he was his Captive, but would have hang'd him, if he had been suffer'd to do it.

After the Siege of *Rockester Castle*, where the Flower of the Barons was lost, King *John* notwithstanding did not think fit to attempt *London* (where tho the Barons did not judge themselves able to take the field, yet were desperately resolved to live and die together) but he march'd to *St. Albans*, and the 20th of *December* divided his Army into two; one of which he himself led to lay waste with Fire and Sword Northwards, the other he left to do as much for all the neighbouring Counties about *London*, and to be sure to keep that place blockt up. He with his Army lay the first night at *Dunstable*, but after a little rest, he was so intent upon his business, that before day he march'd towards *Northampton*, and carried such a *Christmas* into those parts as they had never seen. For besides his plundering and destroying all the Houses, Parks, and Possessions of the Barons, his manner was still as he went along to order his Incendiaries to fire the Hedges and Villages, which could not be turn'd into Plunder, *That he might refresh his sight with the Damages of his Enemies.* *M. Paris* recalls that word, if, says he, they are to be called his Enemies, who were only willing to introduce him into the way of Justice and Humanity. They were indeed his best friends in it, but they paid very dear for that good Office.

For before this the spiritual Sword likewise came brandishing out against them, and they were run through and through with the Pope's Excommunications. He first issued out a general Excommunication against them, which they did not mind,

nor think themselves concerned as being not named in it, nor indeed described. For they were none of the *disturbers of the Peace* that were there mentioned, who turned the Kingdom upside down, and were worse than the Saracens, for endeavouring to expel their Cross-bearing King from his Realm (which they had never attempted nor intended) who as he had engaged himself, so it was to be hoped he would accordingly go and succour the Holy Land. And therefore the Pope was forced to curse them over again by Name; and reciting some of the principal of them, he involved all their *Partakers and Adherents* in the same Condemnation; and to make sure work, he laid the City of *London* under an Interdict. As for their poor Charter, that was very short-liv'd; for it bears date the 15th of *June*, and was made void and disannul'd by the Pope the *Bartholomew-day* following. The Barons indeed despised all these swaggering Proceedings of the Pope against them, as knowing that the causeless Curse will never come, and alledging, that it was all upon false suggestions, and that he usurped an Authority in Matters which did not lye before him. *For who made him a Judge or Divider of Inheritances?* A Power which St. *Peter* never had, and which his humble Master declined when it was offered him. But tho this Pontifical Ware was regarded at *London* as it deserved, where the Prelates likewise did not think fit to publish it, yet in that superstitious Age it could not fail to influence weak Minds, when all the Subjects of *England* were enjoined to be aiding to K. *John* against the Barons for the Remission of their Sins. For who that had a Soul to save, would not kill a Baron if he could? It was K. *John's* holy War. And it must needs strangely heighten and animate his insolent Crew, to see themselves thus backt with Divine Authority, and would make them play the Devil a God's name. Thus the Sword helpt the Sword, and the spiritual one whetted and set an Edg upon the material.

It was the misery of the Barons to have their Country overrun